

HOUSE No. 4429

House bill, No. 4404, as changed by the committee on Bills in the Third Reading and as amended and passed to be engrossed by the House October 6, 2005.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO ECONOMIC INVESTMENTS TO PROMOTE JOB CREATION, ECONOMIC STABILITY, AND COMPETITIVENESS IN THE MASSACHUSETTS ECONOMY.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to make forthwith supplemental
3 appropriations for costs for certain capital spending, public invest-
4 ment, and bonded debt of the commonwealth, therefore it is
5 hereby declared to be an emergency law, necessary for the imme-
6 diate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. To provide for programs that encourage economic
2 investment in the commonwealth, the sums set forth in this act for
3 the several purposes and subject to the conditions specified in this
4 act are hereby made available subject to the provisions of law reg-
5 ulating the disbursement of public funds and approval thereof.

1 SECTION 2. The sum set forth in this section shall provide
2 funds for site remediation, preparation and ancillary infrastructure
3 improvement projects in order to improve economic opportunities
4 in the commonwealth.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary.

1100-8000 For the Massachusetts Opportunity Relocation and Expansion
Jobs Capital Program related to site remediation, prepara-
tion and ancillary infrastructure improvement projects;
provided that the local executive government body and a

for-profit entity involved in the project shall jointly submit a request for funding to the secretary of economic development. All such requests to the secretary shall include sufficient documentation, including but not limited to, a project plan with specific goals and objectives that fully documents the proposed project and either that (a) the businesses associated with the project will generate substantial sales from outside the Commonwealth and will result in the creation of a net increase of at least 100 new permanent full-time jobs in Massachusetts within 24 months upon receipt of a grant and commits that the jobs are to be maintained herein for at least a five year period or (b) documents an economic benefit that the secretary determines is sufficiently exceptional. The secretary shall, not later than March 1, 2006, promulgate regulations or issue guidelines regarding the proposed program described herein; provided further, that annually on or before December 31, the secretary shall issue a written report to the clerk of the house of representatives and the clerk of the senate, which shall include detailed descriptions of any infrastructure improvement projects funded pursuant to this program and all funds expended for this purpose..... 200,000,000

1 SECTION 3. Notwithstanding any general or special law to the
 2 contrary, to meet the expenditures necessary in carrying out the
 3 provisions of section 2, the state treasurer shall, upon receipt of a
 4 request by the governor, issue and sell bonds of the common-
 5 wealth in an amount to be specified by the governor from time to
 6 time, but not exceeding, in the aggregate, \$200,000,000. All
 7 bonds issued by the commonwealth, as aforesaid, shall be desig-
 8 nated on their face, Economic Investment Act of 2005, and shall
 9 be issued for a maximum term of years, not exceeding 20 years, as
 10 the governor may recommend to the general court pursuant to
 11 Section 3 of Article LXII of the Amendments to the Constitution;
 12 provided, however, that all such bonds shall be payable not later
 13 than June 30, 2030. All interest and payments on account of prin-
 14 cipal on such obligations shall be payable from the General Fund.
 15 Bonds and interest thereon issued under the authority of this
 16 section shall, notwithstanding any other provisions of this act, be
 17 general obligations of the commonwealth.

1 SECTION 4. Chapter 7 of the General Laws, is hereby
 2 amended by inserting after section 23A the following section:—

3 Section 23B. (a) Notwithstanding any general or special law to
4 the contrary, and to the extent permitted by federal law, a state
5 agency or authority shall when purchasing products of agriculture
6 as defined in section 1A of chapter 128, including but not limited
7 to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural
8 products or products processed into value added products as
9 part of a Massachusetts farm operation, prefer products grown in
10 the commonwealth or products produced using products grown in
11 the commonwealth as well as fish, seafood, and other aquatic
12 products.

13 (b) To effectuate such a preference for such products of agriculture
14 grown or produced using locally grown products, the state
15 purchasing agent responsible for procuring such products on
16 behalf of a state agency or authority shall: (i) in advertising for
17 bids, contracts or otherwise procuring products of agriculture,
18 make reasonable efforts to facilitate the purchase of such products
19 of agriculture grown or produced using products grown in the
20 commonwealth; and (ii) purchase such products of agriculture
21 grown or produced using products grown in the commonwealth,
22 unless the price of such goods exceeds, by more than 10 per cent,
23 the price of products of agriculture grown or produced using products
24 grown outside of the commonwealth.

1 SECTION 5. Section 35J of chapter 10 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 striking out, in lines 23 and 24, the words: “Regional Tourism
4 Facility Fund, established pursuant to section 42 of chapter 23G”
5 and inserting in place thereof the following words:— Massachu-
6 setts Cultural Facilities Fund.

1 SECTION 6. Chapter 15A of the General Laws is hereby
2 amended by inserting after section 4 the following section:—

3 Section 4A. Within the board of higher education, there shall be
4 established the Robert H. Goddard Council on Science, Technology,
5 Engineering and Mathematics Education, hereinafter
6 referred to as the council. The council shall be comprised of the
7 following members: the commissioner of the department of education
8 or his designee; the commissioner of the department of early
9 education and care or his designee; the director of the office of

10 workforce development or his designee; the President of the
11 Massachusetts Teachers Association or a designee; a chief execu-
12 tive officer of a life-science firm; a chief executive officer of a
13 technology firm; a chief executive officer of a health care corpora-
14 tion; a chief executive officer of a consulting engineering firm; a
15 representative of a minority-or-female led firm; the chair of the
16 board of higher education or his designee; a chancellor of a state
17 university or college; a president of a state college or his
18 designee; a president of a community college or his designee; a
19 superintendent of a Massachusetts public school system or his
20 designee; the President of the Technology Education Association
21 of Massachusetts or his designee; the executive director of the
22 Massachusetts Technology Collaborative or his designee; the
23 executive director of the Massachusetts Development Finance
24 Agency or his designee; the president of Associated Industries of
25 Massachusetts or his designee; the president of the Massachusetts
26 Federation of Teachers or his designee; 3 members of the senate,
27 1 of whom shall serve as co-chair and 1 of whom shall be a
28 member of the minority party; and three members of the house of
29 representatives, 1 of whom shall serve as co-chair and 1 of whom
30 shall be a member of the minority party.

31 The council shall: (i) annually evaluate and make recommenda-
32 tions to the chancellor of higher education regarding programs
33 supported by the pipeline fund, so-called, as established by
34 section 2MMM of chapter 29; (ii) investigate, study and make rec-
35 ommendations to the general court on maintaining a specialized
36 workforce to support and expand the science, technology, engi-
37 neering and mathematics sectors in the commonwealth and pre-
38 pare students for the demands of a knowledge-based economy of
39 the future and attract and retain students entering the science,
40 technology, engineering and mathematics fields of study;
41 (iii) investigate and make recommendations to the chancellor of
42 higher education regarding similar programs throughout the state
43 so as to eliminate duplication and provide for one coordinated,
44 consolidated statewide network of science, technology, engi-
45 neering and mathematics programs for Massachusetts students;
46 and (iv) investigate and pursue alternative funding services for the
47 advancement of these disciplines. The council shall also investi-
48 gate the public college and university system, including commu-

49 nity colleges, to determine the feasibility of establishing job
50 training programs specifically geared toward creating science,
51 technology, engineering and mathematics employment opportuni-
52 ties and to identify and establish career ladders within science,
53 technology, engineering and mathematics employment opportuni-
54 ties. The council shall also investigate the impact of changing
55 demographics on the state and make recommendations on ways to
56 incorporate such changes in order to enhance the state's capacity
57 to build a strong and competitive workforce. The council shall
58 submit quarterly reports on the fund's progress and shall, not later
59 than December 31, submit a cumulative annual report, together
60 with any recommendations, to the clerk of the senate, the clerk of
61 the house of representatives, the chair of the house and senate
62 committees on ways and means, the chairs of the joint committee
63 on economic development and emerging technologies, the chairs
64 of the joint committee on labor and workforce development, the
65 chairs of the joint committee on higher education, and the chairs
66 of the joint committee on education; provided further, that said
67 reports shall include: (i) a list of grant recipients from the pipeline
68 fund; (ii) the amount of each grant; (iii) the amounts of non-state
69 funding credited to the pipeline fund; (iv) the purposes of grants
70 from the pipeline fund; (v) an annual statement of cash inflows
71 and outflows detailing the sources and uses of the funds; (vi) a
72 forecast of future payments based on current binding obligations;
73 and (vii) a detailed breakdown of the purposes and amounts of
74 administrative costs charged to the fund.

1 SECTION 7. Section 2 of chapter 23A of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 adding the following paragraph:—

4 (h) To increase access to affordable and reliable broadband
5 services across the commonwealth.

1 SECTION 8. Said chapter 23A is hereby further amended by
2 striking out section 3, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 3. (a) MOBD shall contain the following 4 divisions:
5 business services, entrepreneurial and small business develop-
6 ment, broadband development and manufacturing development.

7 Each division shall be under the charge of a director subject to the
8 direction, control and supervision of the director of economic
9 development. Each director shall be a person of skill and experi-
10 ence in the field of his appointment and shall be appointed and
11 may be removed by the executive director, with the approval of
12 the secretary, and shall serve until so removed. The position of
13 director shall not be subject to the provisions of section 9A of
14 chapter 30 or chapter 31. Each director shall devote his full time
15 during business hours to the duties of his office. The MOBD exec-
16 utive director may authorize any director to exercise in his name
17 any power, or to discharge in his name any duty, assigned to him
18 by law, and he may at any time revoke such authority.

19 (b) The function of the director of broadband development cre-
20 ated pursuant to subsection (a) shall be to increase the presence of
21 affordable, state-of-the-art broadband access across the common-
22 wealth. The director of broadband development shall, in coopera-
23 tion with the broadband access oversight council established
24 pursuant to paragraph (b) of section 4F of chapter 40J, develop a
25 state telecommunications plan to ensure extensive broadband
26 access for businesses in every community within the common-
27 wealth. The duties of the director shall include, but not be limited
28 to, the following: (i) identifying communities that lack affordable
29 and competitive broadband service; (ii) identifying areas where,
30 due to geographic remoteness, sparsity of population or other con-
31 siderations, private-sector capital investment for broadband facili-
32 ties deployment is not sufficient to meet the present and future
33 needs of the area, and in such areas (a) develop strategies,
34 including but not limited to, public-sector partnerships, including
35 aggregation of demand, as a means to increase the presence of
36 affordable, state-of-the-art broadband access; and (b) facilitate the
37 development of private, joint public-private, or public initiatives
38 which afford open, competitive, content-neutral broadband serv-
39 ices accessible via multiple carriers; (iii) examining and identi-
40 fying the best practices of other states relative to achieving
41 broadband connectivity in underserved areas, including, but not
42 limited to, the creation of public entities to facilitate the introduc-
43 tion of broadband services to underserved areas; (iv) identifying
44 state-of-the-art technologies that are well-suited to bring broad-
45 band service into underserved communities; (v) conducting a

46 survey and analysis of all state owned lands to identify specific
47 state lands that, if made available for such purpose, would facili-
48 tate the deployment of broadband technologies and services to
49 achieve service in underserved areas; (vi) working in conjunction
50 with the executive office of transportation and construction, the
51 division of capital asset management and maintenance and other
52 appropriate state, regional and municipal agencies, develop a plan
53 to ensure that each state construction project, including but not
54 limited to, buildings, roads and bridges shall include access for
55 broadband infrastructure or enable future deployment of broad-
56 band infrastructure, including appropriate design for placement of
57 wires, wireless arrays, and poles and pole attachments; (vii) inves-
58 tigating the development of wireless broadband systems for down-
59 town areas, commencing with areas of high growth, and working
60 in collaboration with the Massachusetts Technology Collaborative
61 to develop demonstration projects to facilitate wireless access in
62 small-to-mid sized communities; (viii) investigating ways to
63 financially support increased broadband connectivity, including a
64 state universal service fund for said purpose; (ix) examining the
65 feasibility of establishing a universal statewide right of way fee to
66 reduce the time from permit application to local approval, in order
67 to promote broadband facilities deployment; (x) identifying any
68 state law or regulation that hampers the expansion of broadband
69 services or provides unreasonable competitive advantages to regu-
70 lated, telecommunications carriers or cable operators, including
71 access to, or use of, municipal or other facilities or rights-of-way;
72 (xi) working with the department of telecommunications and
73 energy and other appropriate state agencies and private parties to
74 identify the locations of dark fiber and telecommunications tower
75 access areas owned by telecommunications companies in the com-
76 monwealth; (xii) identifying federal regulations and statutes that
77 impede the deployment of broadband facilities and services, and
78 advocating to the United States Congress and the Federal Commu-
79 nications Commission for appropriate amendment of these federal
80 policies; (xiii) taking other actions deemed necessary to fulfill the
81 goal of establishing a competitive broadband market within the
82 commonwealth. The director of broadband development shall
83 work in collaboration with the broadband access oversight
84 council.

85 Notwithstanding the requirements of subsection (a), the director
86 of broadband development shall have extensive experience in the
87 broadband, telecommunications or data communications industry,
88 including, but not limited to, the utilization of market-based
89 strategies to induce broadband deployment, the creation of public
90 entities to facilitate broadband deployment, and a demonstrated
91 knowledge of state-of-the-art technologies that bring broadband to
92 underserved areas, including, but not limited to, wireless tech-
93 nologies.

94 The director of broadband development shall, no later than
95 December 31, submit an annual report, including any recommen-
96 dations for legislation, to the director of the department of busi-
97 ness and technology, the chairman of department of
98 telecommunications and energy, the chairs of the house and senate
99 committees on ways and means, the chairs of the joint committee
100 on economic development and emerging technologies and the
101 chairs of the joint committee on telecommunications, utilities and
102 energy.

1 SECTION 9. Said chapter 23A is hereby further amended by
2 striking out section 56, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 56. (a) There shall be within the department of eco-
5 nomic development a Massachusetts quasi-public corporation and
6 public purpose agency planning council, hereinafter referred to as
7 the council, which shall not be subject to the control of the depart-
8 ment except as provided in this section. The purpose of said
9 council shall be to ensure regular communication and coordina-
10 tion between the quasi-public corporations and public purpose
11 agencies as to their economic development projects, programs and
12 plans. Said council shall consist of the chief executive officers or
13 their designees from each of the following agencies: the executive
14 office of economic development, whose designee shall serve as
15 chair of the council; the office of business and technology; the
16 Commonwealth Corporation; the department of workforce devel-
17 opment; the Massachusetts Community Development Finance
18 Corporation; the Massachusetts Development Finance Agency;
19 the Massachusetts Health and Educational Facilities Authority;
20 the Massachusetts Technology Development Corporation; the

21 Massachusetts Technology Park Corporation; the Economic Stabi-
22 lization Trust; the Massachusetts Port Authority; the office of
23 international trade and investment; the office of travel and
24 tourism; the Massachusetts Business Development Corporation;
25 the University of Massachusetts; the board of higher education;
26 the Massachusetts Workforce Investment Board; and the Massa-
27 chusetts Small Business Development Center. The chairs of the
28 joint committee on economic development and emerging tech-
29 nologies shall serve as ex-officio advisory members of the
30 council. The council shall meet from time to time, but not less fre-
31 quently than monthly. The secretary of economic development
32 shall appoint personnel necessary to coordinate the activities of
33 the council and to provide administrative support to the council,
34 as requested. Said agencies shall be required to submit to the
35 department, in a form and manner prescribed by the department,
36 any and all information detailing any debt or equity investment;
37 the nature and amount of any investments; any real estate or
38 working capital loans; any funds or technical assistance provided
39 to businesses; any other forms of financing or financial assistance
40 provided to businesses, students or employees; the number of
41 businesses created or enhanced as a result of such investments or
42 assistance; and the number of jobs created as a result of such
43 investments or assistance. The department shall aggregate all such
44 data and shall, not later than December 31, submit an annual
45 report to the secretary of administration and finance, the house
46 and senate committees on ways and means, the joint committee on
47 economic development and emerging technologies, the joint com-
48 mittee on labor and workforce development, the joint committee
49 on small business and community development and the joint com-
50 mittee on higher education. The council shall, from time to time,
51 review and determine whether the present quasi-public corpora-
52 tions subject to this section are appropriately serving the goals of
53 the council in establishing and implementing a more coordinated
54 economic development policy. The council shall, in its annual
55 report, make recommendations to the joint committee on eco-
56 nomic development and emerging technologies recommending
57 changes to the composition of the council, streamlining agencies
58 on the council through the consolidation or elimination of duplica-
59 tive services performed by quasi-public agencies, or creating new

60 quasi-public agencies that would serve on said council; provided,
61 however, that the council shall maintain not more than eight
62 regional offices through the expansion of offices already in opera-
63 tion or by establishing new offices. Each such office shall be
64 responsible for the implementation of the coordinated plans, pro-
65 grams and projects in its region of the state.

66 (b) In order to fully utilize all appropriate measures to provide
67 risk capital to small businesses in the commonwealth the Massa-
68 chusetts Community Development Finance Corporation, the Com-
69 monwealth Corporation, the Massachusetts Development Finance
70 Agency and the Massachusetts Technology Development Corpora-
71 tion shall establish one or more small business investment corpo-
72 rations (sbic) or special small business investment corporations
73 (ssbic) as provided by the Small Businesses Equity Enhancement
74 Act of 1992, Title iv of U.S. Public Law 102-366.

1 SECTION 10. Section 27 of chapter 23G of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 55, the
3 word “sources.” and inserting in place thereof the following:—
4 sources; (4) to provide matching grants in the field of marine sci-
5 ence technology for Massachusetts companies that receive small
6 business innovation research or small business technology transfer
7 grants from the small business administration. The matching
8 award amount shall be the lesser of \$20,000 or 15 per cent of the
9 small business innovation research or small business technology
10 transfer grant. There shall be a maximum of \$60,000 available per
11 Massachusetts company, including affiliates, per calendar year
12 allocated on a competitive basis, contingent upon the availability
13 of funds. The matching funds shall be used for product develop-
14 ment and commercialization.

1 SECTION 11. Said section 27 of said chapter 23G, as so
2 appearing, is hereby further amended by inserting after the word
3 “biotechnology,” in line 66, the following words:— , marine sci-
4 ence technology.

1 SECTION 12. Said section 27 of said chapter 23G, as so
2 appearing, is hereby further amended by inserting after the word
3 “loans”, in line 75, the following words:— , working capital and
4 contract based loans.

1 SECTION 13. Section 29A of said chapter 23G, as so
2 appearing, is hereby amended by striking out, in line 67, the
3 figure “\$50,000” and inserting in place thereof the following
4 figure:— \$100,000.

1 SECTION 14. Said chapter 23G is hereby further amended by
2 striking out section 42, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 42. (a) It is in the best public interest of the common-
5 wealth to promote the prosperity and general welfare of all citi-
6 zens by enhancing the attractiveness of all regions of the
7 commonwealth for cultural activities by partially financing the
8 acquisition, construction, expansion, renovation and repair of cul-
9 tural facilities that may stimulate further investment in the arts,
10 heritage, entertainment, humanities and interpretive sciences and
11 may result in increased employment or entrepreneurial opportuni-
12 ties for the citizens of the commonwealth or increased tourism to
13 the region where the facility is located, including tourism from
14 outside the commonwealth.

15 (b)(1) As used in this section, the following words shall, unless
16 the context clearly requires otherwise, have the following mean-
17 ings:—

18 “Agency”, the Massachusetts Development Finance Agency.

19 “Applicant”, a cultural organization as defined in this section
20 that has submitted an application for financial assistance from the
21 fund.

22 “Cultural facility”, a building, structure, or site that is, or will
23 be, owned, leased or otherwise used by one or more cultural orga-
24 nizations and that is accessible to the public and exempt from
25 income taxation pursuant to section 501 (c)(3) of Title 28 of the
26 Internal Revenue code. The term cultural facility may include, but
27 shall not be limited to, museums, historical sites, zoos, aquariums,
28 nature/science centers, theaters, concert halls, exhibition spaces,
29 classrooms, and auditoriums suitable for presentation of per-
30 forming or visual arts. Public or private institutions of higher edu-
31 cation may qualify if they demonstrate that their cultural facility
32 provides service and open access to the community and the
33 general public outside of the regular educational mission of the
34 public or private institute of higher education and demonstrates

35 financial need; provided, further that any municipally owned
36 building, structure or site which is a minimum of fifty thousand
37 square feet in size and fifty percent or more of which is used as a
38 cultural facility.

39 “Cultural organization”, a nonprofit public or private, civic,
40 educational or professional organization or educational foundation
41 which is primarily concerned with the arts, humanities, interpre-
42 tive sciences or local arts and which is exempt from income taxa-
43 tion pursuant to section 501 (c)(3) of Title 28 of the Internal
44 Revenue Code. Public or private institutions of higher education
45 may qualify if they demonstrate that their cultural facility pro-
46 vides service and open access to the community and the general
47 public outside of the regular educational mission of the public or
48 private institute of higher education demonstrates and financial
49 need.

50 “Director”, the executive director of the Massachusetts Devel-
51 opment Finance Agency.

52 “Eligible project”, the acquisition, design, construction, repair,
53 renovation, rehabilitation or other capital improvement or deferred
54 maintenance of a cultural facility which furthers the purposes of
55 this section.

56 “Feasibility and technical assistance grant”, a direct grant of
57 monies from the fund subject to matching grant requirements, to
58 an applicant for payment of the costs and expenses related to the
59 undertaking and completion of a planning and feasibility study for
60 a proposed eligible project; provided, however, that no such grant
61 shall exceed \$50,000. The agency may award a feasibility and
62 technical assistance grant only upon its finding that: (i) if under-
63 taken, the proposed project would qualify as an eligible project;
64 and (ii) there is local support for the proposed project.

65 “Fund”, the Massachusetts Cultural Facilities Fund.

66 “Grant”, a direct grant of monies from the fund to an applicant
67 for payment of the costs of an eligible project, except that the
68 amount of any single grant awarded from the fund shall not
69 exceed \$5,000,000.

70 “Loan”, a direct loan of monies from the fund to an applicant to
71 finance a portion of the cost of an eligible project, except that the
72 amount of any single loan awarded from the fund shall not exceed
73 \$5,000,000.

74 “Massachusetts Cultural Council”, a public instrumentality cre-
75 ated pursuant to section 52 of chapter 10 of the General Laws.

76 “Matching funding”, private or public monies donated or
77 appropriated to an eligible project in the proportions to the quali-
78 fied investment as set forth in subsection (c) No grant shall be
79 made pursuant to this section without the required matching
80 funding.

81 “Public body”, the commonwealth and any body politic and
82 corporate of the commonwealth, including any political subdivi-
83 sion thereof, or any consortium of any contiguous subdivisions
84 and any federal agency.

85 “Qualified investment”, a grant, including a feasibility grant,
86 loan, guarantee or other financing or credit enhancement device
87 provided under said fund for an eligible project.

88 (2) There is hereby established and placed under the control of
89 the agency the Massachusetts Cultural Facilities Fund, hereinafter
90 referred to as the fund, to which shall be credited, subject to
91 appropriation, for any fiscal year in which revenues deposited into
92 the Massachusetts Tourism Fund, established pursuant to
93 section 35J of chapter 10, exceed the amounts deposited into said
94 Massachusetts Tourism Fund in the previous fiscal year, 50 per
95 cent of the increase in revenues beyond amounts received in the
96 prior fiscal year by said Massachusetts Tourism Fund from the tax
97 imposed by section 3 of chapter 64G, section 22 of chapter 546 of
98 the acts of 1969 or any appropriation made pursuant to section 35J
99 of chapter 10. In addition to the funds set forth in the preceding
100 sentence, the fund shall be credited, subject to appropriation, in
101 each fiscal year after the first appropriation to the fund, an addi-
102 tional amount not less than the previous fiscal year’s appropria-
103 tion. The fund shall also be credited in each fiscal year, subject to
104 annual appropriation, an amount equal to the funds previously
105 appropriated annually for payment of principal and interest on
106 obligations issued for the rehabilitation, operation and mainte-
107 nance of the Hynes Convention Center in budget line item 1599-
108 0035, or in no case less than \$13,000,000 per annum.
109 Notwithstanding the foregoing provisions, the fund shall also be
110 credited with all bond proceeds, federal funds, private contribu-
111 tions, loans or other monies lawfully made available to said fund.
112 The purpose of said fund shall be to make grants, and loans when
113 appropriate, to finance eligible projects.

114 Applicants may apply to the fund for a feasibility and technical
115 assistance grant, a grant or a loan for the acquisition, construction,
116 expansion, renovation or repair of cultural, entertainment, public
117 venues or other commercial facilities, and the agency may make a
118 qualified investment in such a project upon its finding that: (i) the
119 project is an eligible project; (ii) there is a demonstrated need for
120 the project; (iii) the project will benefit tourism in the local area;
121 (iv) there is a demonstrated financial need for the grant or loan;
122 and (v) there is local support for the project. The agency shall
123 hold said fund in a separate account, segregated from all other
124 agency funds.

125 Except as hereinafter provided, the agency may invest and rein-
126 vest said fund and the income thereon (i) in the making of quali-
127 fied investments; (ii) in the investment of funds not required for
128 immediate disbursement in the purchase of such securities as may
129 be lawful investments for fiduciaries in the commonwealth;
130 (iii) for the payment of binding obligations associated with the
131 qualified investments which are secured by said fund as the same
132 become payable; (iv) for the payment of principal and interest on
133 qualified investments secured by said fund or the payments of any
134 redemption premium required to be paid when such obligations
135 are redeemed prior to maturity; and (v) the reasonable costs of
136 administering the fund; provided said administrative costs shall
137 not exceed 7.5 per cent of the total loans or grants made annually.

138 (3) To the extent feasible, the agency may issue bonds on
139 behalf of the fund. Bond proceeds shall be used for the purposes
140 authorized by this section. Said bonds shall be issued as “revenue”
141 bonds and shall be recourse only to the funds appropriated or oth-
142 erwise contributed under this section and such reserve funds as
143 may be expressly created to guarantee the same. Such bonds shall
144 not be general obligations of either the agency or the common-
145 wealth. Bonds issued in furtherance of this section, if any, shall
146 not be subject to or, otherwise included in, the principal amount of
147 debt obligations issued under section 29.

148 (4) The agency shall adopt by-laws or rules necessary to estab-
149 lish a minimum reserve to be maintained by the fund for the pur-
150 pose of ensuring the fulfillment of any obligations incurred as a
151 result of any bonds issued by the agency on behalf of the fund. No

152 qualified investment may be made where said expenditure would
153 reduce the fund's assets to an amount below the minimum reserve.

154 (5) The agency shall be reimbursed from the fund for all rea-
155 sonable and necessary direct costs and expenses incurred in any
156 fiscal year associated with its bond issuance, administration, man-
157 agement and operation of the fund, including reasonable staff time
158 and out-of-pocket expenses and the reasonable and approved
159 administrative costs incurred by the Massachusetts Cultural
160 Council or such other qualified organization which the agency
161 may contract for services. The agency is authorized to establish a
162 minimum reserve, in addition to such reserve established pursuant
163 to subsection (2), to be maintained by the fund for the purpose of
164 ensuring the satisfaction of the agency's and its agents' adminis-
165 trative costs.

166 (c) The fund may make qualified investments in eligible pro-
167 jects. The fund may make grants to applicants for eligible pro-
168 jects; provided, however, that the amount of any single grant,
169 other than a feasibility and technical assistance grant awarded
170 from the fund, shall not exceed \$5,000,000 per annum; provided,
171 further, that grants for a total value:—

172 (i), less than \$1,000,000 shall be subject to a matching funding
173 requirement of dollar for dollar of the amount of the grant;

174 (ii) in excess of \$1,000,000 and less than \$2,500,000 shall be
175 subject to a matching funding requirement of at least twice the
176 amount of the grant;

177 (iii) in excess of \$2,500,000 but less than \$4,000,000 shall be
178 subject to a matching funding requirement of at least three times
179 the amount of the grant;

180 (iv) in excess of \$4,000,000 and not more than \$5,000,000 shall
181 be subject to a matching funding requirement of at least four times
182 the amount of the grant.

183 Notwithstanding any general or special law to the contrary, as a
184 condition of accepting a grant from the fund, an applicant shall
185 agree that, whenever ownership of any property which was
186 acquired or improved with a grant from the fund, is transferred to
187 a for-profit entity, or to an unrelated non-profit entity which
188 ceases operating the property as a cultural facility, the full amount
189 of such grant shall be repaid immediately to the fund. The agency
190 may take a security interest or such other interest in the eligible

191 project as may be necessary to secure its potential repayment
192 rights.

193 (d) Notwithstanding any general or special law to the contrary,
194 the agency shall enter into a contract with the Massachusetts Cul-
195 tural Council or another qualified organization to manage some or
196 all of the grant administration process on behalf of the agency;
197 provided, however, that the agency may only enter into a contract
198 with another qualified organization to manage some or all of the
199 grant administration process should the Massachusetts Cultural
200 Council fail to adequately perform its duties under a duly exe-
201 cuted contract, cease to exist, or for just cause; provided further,
202 that should the agency enter into a contract with another qualified
203 organization, the agency shall submit, in writing, the reasons for
204 the termination of its contract with the Massachusetts Cultural
205 Council to the chairs of the joint committee on economic develop-
206 ment and emerging technologies and the chairs of the joint com-
207 mittee on tourism, arts and cultural development. A contract
208 executed pursuant to this section shall include, but not be limited
209 to, proposing rules and guidelines for the fund, providing tech-
210 nical assistance to potential applicants, reviewing and evaluating
211 applications and providing findings and recommendations to the
212 committee as to which grant applications should be approved and
213 awarded and which should be denied. The agency shall establish
214 rules relative to the fund, with the advice of the committee.
215 Copies of said rules, and any modifications or amendments
216 thereto, shall be delivered to the clerk of the house of representa-
217 tives, the clerk of the senate, the chairs of the house and senate
218 committees on ways and means, the chairs of the joint committee
219 on economic development and emerging technologies, and the
220 chairs of the joint committee on tourism, arts, and cultural devel-
221 opment.

222 (e) The agency shall annually, not later than December 31,
223 submit a report on the fund's progress to the clerk of the house of
224 representatives, the clerk of the senate, the chairs of the house and
225 senate committees on ways and means, the chairs of the joint
226 committee on economic development and emerging technologies,
227 and the chairs of the joint committee on tourism, arts and cultural
228 development. Said annual report shall include: (i) a list of grant or
229 loan recipients from the fund; (ii) the associated amounts received

230 by each recipient; (iii) the amount of non-state funding leveraged
231 by the fund; (iv) the purpose of the grants or loans from the fund;
232 (v) an annual statement of cash inflows and outflows detailing the
233 sources and uses of the fund; (vi) a forecast of future payments
234 based on current binding obligations; and (vii) a detailed break-
235 down of the purposes and amounts of administrative costs charged
236 to the fund.

1 SECTION 15. Said chapter 23G, as so appearing, is hereby fur-
2 ther amended by striking out section 43, and inserting in place
3 thereof the following section:—

4 There shall be established a cultural facilities fund advisory
5 committee, in this section called the committee. The functions of
6 the committee shall be strictly advisory to the Agency in connec-
7 tion with the management and operation of the Massachusetts
8 Cultural Facilities Fund. The committee shall be comprised of the
9 following members: the director of the Massachusetts Cultural
10 Council or his designee; the director of the Office of Travel and
11 Tourism or his designee; and the Director of the Agency or his
12 designee; and six members to be appointed by the Governor, one
13 of whom shall have expertise in fundraising; one of whom shall
14 have expertise in finance; and one of whom shall have expertise in
15 construction; provided further, in appointing members, the gov-
16 ernor shall ensure that each of the following geographic regions of
17 the commonwealth shall be represented: the central area, the
18 greater Boston area, the MetroWest area, the northeast area, the
19 southeast area and the western area. Members shall be appointed
20 for a term of five years, may be reappointed, and shall serve
21 without compensation, but may be reimbursed from the fund for
22 ordinary and reasonable in-state travel expenses. The committee
23 may meet as often as the members may determine, but shall meet
24 at least bi-annually or at such other intervals as may be estab-
25 lished by the Agency in order to review recommendations made
26 by the Massachusetts Cultural Council, or such other qualified
27 organization with which the agency contracts, with respect to the
28 fund and to make any advisory recommendations with respect
29 thereto to the Agency. The provisions of subsections (d), (f) to (i),
30 inclusive, and subsection (1) of section 2 of this chapter shall
31 apply to the members and affairs of the committee. All applica-

32 tions for grants or loans recommended by the Massachusetts Cul-
33 tural Council, or other such organization with whom the Agency
34 may contract, shall be reviewed by the committee. The committee
35 shall then issue findings and recommendations to the Agency as to
36 which applications should be approved. Only those applications
37 that are recommended by the committee for approval shall be con-
38 sidered by the Agency's board of directors for final approval. If
39 the Agency's board of directors votes to deny any recommended
40 approval the Agency shall, within 30 days of such action, provide
41 the applicant with a written explanation for such denial.

1 SECTION 16. Section 11F of chapter 25A of the General Laws,
2 as so appearing, is hereby amended by striking out, in lines 26 to
3 27, inclusive, the words "naturally flowing water and hydroelec-
4 tric" and inserting in place thereof the following words:— natu-
5 rally flowing water and run-of-the-river hydroelectric units
6 located in the commonwealth and operating under the jurisdiction
7 of the Federal Energy Regulatory Commission, provided that such
8 facility is a vintage generation unit as that term is defined by the
9 division, has a generating capacity of not more than five
10 megawatts and does not utilize a dam constructed subsequent to
11 December 31, 1997.

1 SECTION 17. Said section 11F of said chapter 25A, as so
2 appearing, is hereby further amended by striking out, in line 33,
3 the words "clauses (vi) and (vii) herein." And inserting at the end
4 thereof the following words:— clause (vi) herein; provided, how-
5 ever, that notwithstanding the provisions of subsection (a) the
6 division shall on an annual basis determine the actual percentage
7 of kilowatts generated in the commonwealth by naturally flowing
8 water and run of the river hydroelectric facilities and adjust the
9 minimum percentage of kilowatt hours sales to end use customers
10 in the commonwealth from new renewable generating sources
11 accordingly.

1 SECTION 18. Section 1 of chapter 29 of the General Laws, as
2 so appearing, is hereby amended by inserting after the definition
3 of "Consolidated net surplus in the budgetary funds" the
4 following definition:—

5 “Council”, the Robert H. Goddard council on Science, Tech-
6 nology, Engineering and Mathematics Education established pur-
7 suant to section 4A of chapter 15A.

1 SECTION 19. Said chapter 29, as so appearing, is hereby fur-
2 ther amended by striking out section 2SS and inserting in place
3 thereof the following section:—

4 Section 2SS. (a) There is hereby established and set up on the
5 books of the commonwealth a separate fund to be known as the
6 Workforce Competitiveness Trust Fund, hereinafter called the
7 fund. The fund shall be administered by the department of work-
8 force development which shall contract with the commonwealth
9 corporation to administer the fund. The objectives of the fund
10 shall include, but shall not be limited to, the following: sup-
11 porting, in conjunction with other private, public and philan-
12 thropic resources, the development and implementation of
13 employer and worker responsive programs to enhance worker
14 skills, incomes, productivity and retention and to increase the
15 quality and competitiveness of Massachusetts firms; training and
16 helping the unemployed find suitable employment; improving
17 employment opportunities for low income individuals and low
18 wage workers; improving wages to a level sufficient to support a
19 family or place individuals on a career path leading to such
20 employment and wages; training vulnerable youth to master basic
21 academic skills including the attainment of a high school degree
22 and encouraging students to advance educationally and receive
23 post-secondary degrees at colleges or post-secondary vocational
24 schools, or beyond; developing occupational skills, and becoming
25 employed in jobs that have career potential; and training older
26 workers for new occupations. The department of workforce devel-
27 opment shall utilize these projects to improve the workforce
28 development system by integrating employer and worker needs
29 more fully in program design and delivery, and shall support,
30 through grants, partnership programs and planning, grant applica-
31 tions from the following eligible applicants to provide an inte-
32 grated continuum of education and training: employers and
33 employer associations; local workforce investment boards; labor
34 organizations; community based organizations, including adult
35 basic education providers; institutions of higher education; voca-

36 tional education institutions; one-stop career centers; local work-
37 force development entities; and non-profit education, training or
38 other service providers.

39 The fund shall leverage employer, public, philanthropic and
40 other contributions, and shall be available as a state match for fed-
41 eral funds that meet the requirements of the fund. The fund shall
42 be an expendable trust fund and not subject to appropriation.
43 Grants from the fund shall be offered on a competitive basis for a
44 maximum of 3 years, and shall not exceed \$500,000.

45 (b) The director of the office of workforce development shall
46 appoint an advisory committee, hereinafter referred to as the com-
47 mittee. Said committee shall represent significant constituencies
48 and beneficiaries of the fund, including, but not limited to, high
49 growth or critical industries; the workforce development system;
50 public education; adult basic education; the department of transi-
51 tional assistance; public higher education; labor; community
52 based organizations and non-profit education, training or other
53 service providers; and advocates of customer populations
54 including representatives of education, training and the one-stop
55 career center provider coalitions, including a minimum of 2 labor
56 representatives selected by the President of the Massachusetts
57 AFL-CIO, and 2 representatives of the Massachusetts Workforce
58 Board Association. The director of the office of workforce devel-
59 opment shall serve as chair of the committee. The committee shall
60 supply constituent focused labor market information, review
61 general programmatic parameters and guidelines, assist with the
62 identification of issues and barriers to the fund's efficiency and
63 effectiveness and the dissemination of relevant information about
64 the fund, and support the general oversight of the fund's imple-
65 mentation. The committee shall meet from time to time, but not
66 less frequently than quarterly.

67 (c) The commonwealth corporation shall be the administrator
68 of the fund, and shall maintain the fund as a separate fund, and
69 shall cause it to be audited by an independent accountant on an
70 annual basis in accordance with generally accepted accounting
71 principles.

72 (d) There shall be credited to the fund any revenue from appro-
73 priations or other monies authorized by the general court and
74 specifically designated to be credited to the fund, and any gifts,

75 grants, private contributions, investment income earned on the
76 fund's assets, and all other sources. Money remaining in the fund
77 at the end of a fiscal year shall not revert to the General Fund.

78 (e) Partnership programs may include costs for support services
79 including, but not limited to, transportation and childcare, to elim-
80 inate barriers to participation in the training program. For any
81 unionized employer participating as a partner in a grant applica-
82 tion, the impacted union must be an active participant in the
83 design and implementation of the grant.

84 (f) A competitive grant program shall be established that pro-
85 vides support to partnerships and eligible applicants as described
86 above, and that leverages applicant co-investment of at least 30
87 per cent of the grant amount, from employers, philanthropic, and
88 public or private organizations. The period of grant operations
89 may be up to 3 years in duration. Grants may be targeted to spe-
90 cific populations, such as educationally or economically disadvan-
91 tagged youth, low-income, low-skilled and low-wage workers,
92 disabled citizens, or industries that are deemed to be of critical
93 consequence to the commonwealth. Special grant programs and
94 funding allocations will be determined by the committee and shall
95 be distributed via a regionally-based competitive bid process,
96 which will require the defining of economic regions of the Com-
97 monwealth based on labor market factors as determined by the
98 committee. Every municipality in the commonwealth shall be
99 accounted for in a designated region. A formula for regional dis-
100 tribution shall be created, and competition for formula grant funds
101 shall occur within each identified region, and shall be subject to
102 the rules and regulations established by the committee in consulta-
103 tion with regional partners. Respondents to the local competitions
104 must notify, in writing, the region's workforce investment board
105 of their intent to respond to this request for proposals. A planning
106 grant may be offered to define employer needs; to make necessary
107 curriculum and other programmatic improvements to align with
108 employer and worker needs; to determine the feasibility of a pro-
109 posed workforce development intervention; to plan for, and coor-
110 dinate strong partnerships among stakeholders; to identify
111 educational and skill needs of workers and program participants;
112 to link training initiatives with employer-based career ladders; and

113 to develop case management and additional support services that
114 would address barriers to participation.

115 (g) A portion of the grant fund shall be used to support the cur-
116 rent and future labor force needs of the Commonwealth's health-
117 care industry. This portion of the fund shall support projects that
118 address barriers and gaps in the healthcare workforce develop-
119 ment pipeline. Small planning and needs assessment grants may
120 be offered. A project grant program will be designed by common-
121 wealth corporation in consultation with a Healthcare subcom-
122 mittee of the fund committee, which shall include at a minimum
123 appointments made by the following organizations: the Massachu-
124 setts Hospital Association; the Massachusetts Extended Care Fed-
125 eration; the Home and Health Care Association of Massachusetts;
126 the Massachusetts Workforce Board Association; and the Massa-
127 chusetts AFL-CIO, as well as representatives of the other manda-
128 tory advisory committee constituencies.

129 (h) A portion of the grant fund shall be used to support the cur-
130 rent and future labor force needs of the Commonwealth's travel
131 and tourism industry. This portion of the grant fund shall be used
132 to support the development of career ladder and wage improve-
133 ment strategies, including employee ownership and profit-sharing
134 strategies, within Massachusetts' travel and tourism industry.
135 Small planning and needs assessment grants may be offered. A
136 project grant program will be designed by commonwealth corpo-
137 ration in consultation with the Travel and Tourism Advisory Com-
138 mittee, which must include the primary industry associations that
139 represent the industry in Massachusetts, or in their absence, a
140 cohort of relevant industry employers, as well as representatives
141 of the other mandatory advisory committee constituencies.

142 (i) Project grants shall be for a maximum of 3 years, competi-
143 tively based and shall not exceed \$500,000. The committee shall
144 determine how to apportion the grant fund between the healthcare
145 industry, the travel and tourism industry and the general grant pro-
146 gram; provided, however, that no more than 7.5 percent of the
147 funds appropriated herein may be expended for the administration
148 of each grant.

149 (j) The director of the department of workforce development
150 shall annually, not later than December 31, report to the secretary
151 of administration and finance, the house and senate committees on
152 ways and means, the joint committee on community development

153 and small business, the joint committee on education, arts and
154 humanities, the joint committee on economic development and
155 emerging technologies, and the joint committee on labor and
156 workforce development, and the joint committee on public health
157 on the status of grants awarded under this section, including the
158 number of educational and eligible service providers receiving
159 grants; the number of participants receiving services; the number
160 of participants placed in employment; the salary and benefits that
161 participants receive post placement; the cost per participant; and
162 job retention or promotion rates one-year after training ends.

163 (k) The establishment of the Workforce Competitiveness Trust
164 Fund, or any other worker training fund, shall not be determined
165 to replace, displace or serve as a substitute for the Workforce
166 Training Fund as established by section 2RR.

1 SECTION 20. Said chapter 29 is hereby further amended by
2 striking out section 2MMM, as appearing in the 2004 Official Edi-
3 tion and inserting in place thereof the following section:—

4 Section 2MMM. (a) There is hereby established and set up on
5 the books of the commonwealth a separate fund to be known as
6 the Massachusetts Science, Technology Engineering, and Mathe-
7 matics Grant Fund, hereinafter referred to as the Pipeline Fund, to
8 which shall be credited any appropriations, bond proceeds or other
9 monies authorized by the general court and specifically designated
10 to be credited thereto, and any additional funds designated by the
11 corporation for deposit to the Pipeline Fund, including any pen-
12 sion funds, federal grants or loans, or private donations made
13 available to the chancellor of higher education for the purpose of
14 deposit into the fund. The board of higher education shall hold the
15 Pipeline Fund in an account or accounts separate from other funds
16 or accounts. Amounts credited to the pipeline fund shall be used
17 by the chancellor of higher education, in consultation with the
18 Massachusetts Development Finance Agency, the Massachusetts
19 Technology Park Corporation and the Robert H. Goddard Council
20 on Science, Technology Engineering, and Mathematics Education,
21 established pursuant to section 4A of chapter 15A.

22 (b) The public purpose of the Pipeline Fund shall be to increase
23 the number of Massachusetts students who participate in programs
24 that support careers in fields related to science, technology, engi-

25 neering and mathematics. In furtherance of this public purpose,
26 and in a manner consistent with the recommendations of the
27 council, the chancellor of higher education, in consultation with
28 the commissioner of the department of education and the president
29 of the University of Massachusetts, shall employ the pipeline fund
30 through grants and other disbursements and activities that are cal-
31 culated to increase the number of qualified science, technology,
32 engineering and mathematics teachers in the commonwealth and
33 to improve the science, technology, engineering and mathematics
34 educational offerings available in public and private schools. The
35 grants and other disbursements and activities may involve,
36 without limitation, the University of Massachusetts, state and
37 community colleges, business and industry partnerships, work-
38 force investment boards, private colleges and universities, and
39 public and private school districts to further the purposes of the
40 pipeline fund. The grants and other disbursements and activities
41 may support, without limitation: (i) the development and use of
42 innovative curricula, courses and programs in science, technology,
43 engineering and mathematics for new teachers and in-service
44 teachers that provide appropriate science, technology, engineering
45 and mathematics content, and instruction in innovative ways to
46 teach science, technology, engineering and mathematics, including
47 but not limited to, the use of hands on, experimental learning and
48 e-learning, that are consistent with the Massachusetts standards
49 and curriculum frameworks established pursuant to sections 1D
50 and 1E of chapter 69; (ii) the development of a science, tech-
51 nology, engineering and mathematics network to create, imple-
52 ment, share and make broadly and publicly available the best
53 practices and innovative programs relative to science, technology,
54 engineering and mathematics instruction and expanding and main-
55 taining student interest in science, technology, engineering and
56 mathematics studies and careers; (iii) effective ways to teach sci-
57 ence, technology, engineering and mathematics; and (iv) give pri-
58 ority to grants that provide effective course and curricula for
59 in-service teachers in low income schools or school districts; pro-
60 vided further, that not more than 20 per cent of the fund may be
61 awarded to any 1 single institution.

62 (c) The board of higher education shall, in consultation with the
63 council, promulgate policies, rules and regulations for the admin-

64 istration and implementation of subsections (a) and (b). The chan-
65 cellor of higher education shall file any such policies, rules, and
66 regulations with the joint committee on education, arts, and
67 humanities, the joint committee on higher education, the joint
68 committee economic development and emerging technologies, and
69 the joint committee on labor and workforce development for
70 review and comment at least 30 days before the effective date of
71 the policies, rules, or regulations.

72 (d) The chancellor of higher education shall file a quarterly
73 report with the house and senate committees on ways and means,
74 the joint committee on economic development and emerging tech-
75 nologies, the joint committee on labor and workforce develop-
76 ment, the joint committee on education, and the joint committee
77 on higher education on the following: (i) a list of grant recipients,
78 (ii) the associated grant amounts, (iii) the amounts of non-state
79 funding leveraged as a result of the grants, (iv) the purposes of the
80 grants, (v) an annual statement of cash inflows and outflows
81 detailing the sources and uses of funds, (vi) a forecast of future
82 payments based on current binding obligations, and (vii) a
83 detailed breakdown of the purposes and amounts of administrative
84 costs charged to the fund.

1 SECTION 21. Said chapter 29 is hereby further amended by
2 inserting after section 2NNN the following section:—

3 Section 2000. There is hereby established and set up on the
4 books of the commonwealth a separate fund to be known as the
5 Educational Rewards Grant Program Fund, hereinafter referred to
6 as the fund. The fund shall provide grants to students in accredited
7 post-secondary certificate or vocational technology programs or
8 associate degree programs in targeted high-demand occupations.
9 The department of workforce development and the board of
10 higher education in consultation with the Massachusetts Work-
11 force Board Association, the state workforce investment board,
12 the reach higher initiative and the workforce accountability task
13 force shall determine the eligible high demand occupations. If a
14 Bachelor's degree program is needed for a profession in critical
15 demand, it may be added to the eligible programs. Of the appro-
16 priation for grants, up to 1/3 may be used for students enrolled as
17 full-time students and at least 2/3 of the total grant amount shall

18 be reserved for students enrolled 1/2 time or less. Grant recipients
19 shall be limited to dislocated workers or those with incomes at or
20 below 200 per cent of the federal poverty level or other standards
21 or criterion as may be established by the department and the board
22 of higher education in consultation with the workforce account-
23 ability task force. Grants from the program fund shall be a max-
24 imum of \$3,000 and shall be used to fund tuition, fees, and books;
25 provided, however, that up to 30 per cent of the grant amount may
26 be applied to fund living expenses. The grant program shall serve
27 as a last resort, after other federal and state grants have been
28 exhausted. The department of workforce development and the
29 board of higher education shall jointly administer the grant pro-
30 gram.

1 SECTION 21A. Section 1G of chapter 15 of the General Laws,
2 as so appearing, is hereby amended by inserting after line 31, the
3 following:—

4 “The Commissioner of Education, in consultation with the
5 Chairman of the Board of Higher Education, shall direct the
6 global education advisory council to explore international oppor-
7 tunities for learning, exchange programs and the availability of
8 curriculum materials for students, teachers, administrators and
9 educational policy makers.

10 Said global education advisory council shall:

11 (a) Investigate and compile information concerning interna-
12 tional education programs and opportunities. The council shall
13 make recommendations to the commissioner on the expansion of
14 international education programs and opportunities and shall con-
15 sider ways to encourage participation in such programs. The
16 council shall advise the Department of Education and the joint
17 committee on education on international program opportunities
18 and the availability of federal or nonprofit agency grants or other
19 funding sources for such programs. The department shall provide
20 information on international education opportunities to local and
21 regional boards of education and to institutions of higher educa-
22 tion.;

23 (b) Develop guidelines and standards to aid local and regional
24 school districts in the establishment of programs of international
25 studies. Such guidelines and standards shall describe the essential

26 components of a quality educational program incorporating inter-
27 national education concepts. The council shall submit such guide-
28 lines and standards to the Department of Education for review and
29 approval;

30 (c) Develop criteria for what constitutes a sister school partner-
31 ship program between a public school of this state and a foreign
32 school. Such criteria shall provide a process for recognition of
33 such partnership. The council shall submit such criteria to the
34 Department of Education for review and approval;

35 (d) Advise the Department of Education on possible incentives
36 to encourage the formation of partnerships that meet criteria
37 established in accordance with the provisions of subsection (c) of
38 this subsection. Such incentives may include, but need not be lim-
39 ited to, cooperation between sister partnership schools in teacher
40 certification, student assessment programs and recognition of stu-
41 dent course credit, participation in summer programs and in other
42 areas where the state could recognize the value of the sister school
43 partnership relationships with minimal cost.

44 (e) Conduct an assessment of current practices regarding inter-
45 national education in elementary and secondary public schools in
46 the Commonwealth. The global education advisory council's
47 assessment of current practices shall include, but not be limited to,
48 information gathering through public hearings."

1 SECTION 21B. Chapter 15 of the General Laws, as so
2 appearing, is hereby amended at the end thereof by adding the
3 following new section:—

4 "Section 66. The Department of Education may recognize a
5 school that meets the standards for international education pro-
6 grams developed by the global education advisory council.

7 The Commissioner of Education shall, annually, subject to
8 appropriation, award grants not to exceed ten thousand dollars to
9 local or regional school districts which operate schools recognized
10 pursuant this section. Such board shall use the funds to support
11 the international education programs at such schools.

12 The Department of Education may recognize sister school part-
13 nership programs between public schools of the Commonwealth
14 and foreign. Within available appropriations, participation in such
15 partnership shall allow the foreign school access to state programs

16 of professional development and technical assistance programs
17 under the same terms and conditions as for public schools of this
18 state with reciprocity for participation in such programs.

19 It shall be the policy of the Commonwealth to encourage stu-
20 dents, teachers, administrators and educational policy makers to
21 participate in international studies, international exchange pro-
22 grams and other activities that advance cultural awareness and
23 promote mutual understanding and respect for the citizens of other
24 countries.

25 State agencies, including the educational institutions, may
26 exchange a limited number of professional personnel and students
27 with institutions of other states and other countries and may pay
28 the salaries of such personnel and may assign scholarships and
29 grants-in-aid to the exchanges. The authorized exchange of per-
30 sonnel and students need not be parallel and simultaneous nor spe-
31 cific with regard to the assignment of persons between
32 institutions. If a vacancy exists on the staff of any state agency,
33 including the educational institutions, because a leave of absence
34 without pay has been granted, such agency may engage the serv-
35 ices of professional personnel of other countries, and may pay
36 such personnel so engaged from the funds which otherwise would
37 have been paid to such staff members on leave of absence without
38 pay.”

1 SECTION 21C. Chapter 6 of the General Laws, as so
2 appearing, is hereby amended by inserting after Section 12XX, the
3 following new section:—

4 Section 12YY. The Governor shall proclaim the third week of
5 November of each year, or such other week if in conjunction with
6 a federally recognized international education week, to be “Inter-
7 national Education Week” for the purpose of encouraging schools
8 to participate in programs of international education.

1 SECTION 21D. There is herein established an international
2 education and foreign language grant program fund. Hereinafter
3 referred to as the international education fund. The international
4 education fund shall be administered by the commissioner of edu-
5 cation, the chairman of the board of higher education and the
6 global education advisory council, provided that said funding be

7 spent in elementary and secondary schools to establish foreign
8 language and two-way bi-lingual classes, teacher training, and
9 curriculum development to encourage students, teachers, adminis-
10 trators and educational policy makers to participate in interna-
11 tional studies, international exchange programs and other
12 activities that advance cultural awareness and including the
13 awarding of grants to local or regional school districts that use the
14 funds to support international education programs and promote
15 the study of foreign languages.

1 SECTION 22. Section 1 of chapter 30A of the General Laws,
2 as so appearing, is hereby amended by striking out paragraph (6)
3 and inserting in place thereof the following paragraphs:—

4 (6) “Regulatory impact statement” means a statement by the
5 promulgating authority which shall, to a reasonable degree of
6 completeness: (i) identify the statutory change, problem, issue or
7 deficiency addressed by the proposed regulation; (ii) identify
8 specifically who is affected and to what extent by the proposed
9 regulation; (iii) identify when such regulation becomes effective,
10 when such regulation will be changed, if known, and how and
11 when the regulation will be reviewed in the future, if at all; (iv)
12 identify costs and/or benefits, including, without limitation,
13 impacts on businesses and jobs in the commonwealth and the
14 impact to the protection of natural resources and public health, if
15 any. Any data, including written information or material, statis-
16 tics, measurements, calculations or other information used as the
17 basis for the regulation, including any such information provided
18 to the agency by a consultant, vendor or other third party, shall be
19 part of the record and available to the public upon request.

1 SECTION 23. Section 2 of said chapter 30A, as so appearing,
2 is hereby further amended by inserting after the third paragraph
3 the following paragraph:—

4 Every agency promulgating rules and regulations shall maintain
5 a notification list of persons and groups who are interested in the
6 agency’s rulemaking and who request preliminary notification of
7 agency rulemaking, with such request being renewed annually by
8 said persons or groups. Not later than 30 days prior to the notice
9 of a hearing described above, the agency conducting the hearing

10 shall send a preliminary notification of agency rulemaking to each
11 person or group who has requested preliminary notification of
12 rulemaking and to the appropriate committee of the general court
13 that has jurisdiction for the rule issuing agency, to the house and
14 senate committees on ways and means and to the small business
15 advisory council. The preliminary notification of rulemaking
16 shall: (a) identify the rule to be noticed for hearing and the scope
17 of the proposed rule; (b) provide the statutory authority for such
18 proposed rulemaking; (c) identify the person within the agency
19 responsible for the rulemaking and who can be contacted for more
20 information; and (d) state the purpose for proposing the new regu-
21 lations or change of regulation and generally, the goal or goals to
22 be obtained.

1 SECTION 24. Said section 2 of said chapter 30A, as so
2 appearing, is hereby further amended by inserting after the fifth
3 paragraph the following paragraph:—

4 Agencies may initiate emergency regulatory actions under rele-
5 vant sections of this chapter without prior compliance with sec-
6 tions 1, 2, 3, and 5; provided, however that compliance shall be
7 initiated as soon as practicable following the emergency action
8 and, in any event, prior to making any emergency action perma-
9 nent.

1 SECTION 25. Section 3 of said chapter 30A, as so appearing,
2 is hereby further amended by inserting after the second paragraph
3 the following paragraph:—

4 Every agency promulgating rules and regulations shall maintain
5 a notification list of persons and groups interested in the agency's
6 rulemaking and who request preliminary notification of agency
7 rulemaking, with such request being renewed annually by said
8 persons and groups. Not later than 30 days prior to the notice
9 described above the agency shall send a preliminary notification
10 of agency rulemaking to each person or group who has requested
11 preliminary notification of agency rulemaking and to the appro-
12 priate committee of the general court that has jurisdiction for the
13 rule issuing agency, to the house and senate committees on ways
14 and means and to the small business advisory council. The prelim-
15 inary notification shall: (a) identify the rule to be noticed and the

16 scope of the proposed rule; (b) provide the statutory authority for
17 such proposed rulemaking; (c) identify the person within the
18 agency responsible for the rulemaking and who can be contacted
19 for further information; and (d) state the purpose for proposing the
20 new regulations or change of regulation and generally, the goal or
21 goals to be obtained.

1 SECTION 26. Section 5 of said chapter 30A, as so appearing,
2 is hereby amended by striking the first sentence of the second
3 paragraph and inserting in place thereof the following:—

4 No rule or regulation so filed with the state secretary, except
5 those filed for the purpose of setting rates, issuing grants or pro-
6 viding loans, and except those filed by the department of telecom-
7 munications and energy or the division of insurance, shall become
8 effective until a regulatory impact statement has been completed,
9 made public during the hearing process described above and is
10 filed with the state secretary. The secretary of the enforcing
11 agency shall review all regulatory impact statements prior to their
12 filing with the state secretary to ensure and certify that a proper
13 methodology and approach was used by the agency submitting
14 said impact statement and to certify that the impact statement as
15 submitted complies with the definition of “regulatory impact
16 statement” as set forth in section 1 of chapter 30A within 90 days
17 of receipt. In addition, no rule or regulation so filed, except those
18 filed for the purpose of setting rates, issuing grants or providing
19 loans, and except those filed by the department of telecommunica-
20 tions and energy or the division of insurance, shall become effec-
21 tive until the promulgating agency has filed with the state
22 secretary a statement verifying that said rule or regulation does
23 not conflict with, overlap or duplicate other agencies’ rules or reg-
24 ulations.

1 SECTION 27. Section 4 of chapter 30B of the General Laws, as
2 so appearing, is hereby amended by inserting after the word “to”,
3 in line 1, the following words:— this section and.

1 SECTION 28. Said section 4 of said chapter 30B, as so
2 appearing, is hereby further amended by adding the following
3 paragraph:—

4 (d) A procurement officer may award a contract valued at less
5 than \$25,000 for the procurement of products of agriculture as
6 defined in section 1A of chapter 128, including but not limited to,
7 fruits, vegetables, eggs, dairy products, meats and crops horticultural
8 products or products processed into value added products as
9 part of a Massachusetts farm operation, that are grown or produced
10 using products grown in the commonwealth as well as fish,
11 seafood, and other aquatic products, without seeking quotations as
12 required under paragraph (a), provided, however, that the officer
13 shall follow generally accepted business practices.

1 SECTION 29. Said chapter 30B, is hereby further amended by
2 adding the following two sections:—

3 Section 20. (a) Notwithstanding the provisions of any general
4 or special law to the contrary, and to the extent permitted by federal
5 law, a governmental body may, by a majority vote, establish a
6 preference for products of agriculture as defined in section 1A of
7 chapter 128, including but not limited to fruits, vegetables, eggs,
8 dairy products, meats, crops, horticultural products or products
9 processed into value added products as part of a Massachusetts
10 farm operation as well as fish, seafood, and other aquatic products.
11

12 (b) Wherever a governmental body by a majority vote establishes
13 a preference for the procurement of such products of agriculture
14 grown or produced using products grown in the commonwealth, the
15 procurement officer responsible for procuring agricultural products
16 on behalf of said governmental body shall effectuate such preference
17 in (i) advertising for bids, contracts, or otherwise, and making
18 reasonable efforts to facilitate the purchase of such products of
19 agriculture grown or produced using products grown in the
20 commonwealth; and (ii) purchasing such products of agriculture
21 grown or produced using products grown in the commonwealth,
22 unless the price of such goods exceeds, by more than
23 10 per cent, the price of agricultural products grown or produced
24 outside of the commonwealth.

25 Section 21. The general court finds and declares that:—

26 (a) only the general court has the authority to agree to bind the
27 commonwealth to the rules of an international trade agreement, or

28 to give consent to the federal government for the commonwealth
29 to be bound to such an agreement;

30 (b) the commonwealth will not consent to be bound by the gov-
31 ernment procurement, services, or investment rules of any interna-
32 tional trade or investment agreement, or any other provisions of
33 international trade agreement which affect existing state laws or
34 regulatory authority reserved to the commonwealth absent a spe-
35 cific, explicit act of the general court authorizing such consent;

36 (c) two state legislative points of contact shall be appointed at
37 the beginning of each legislative session; one by the president of
38 the senate, and 1 by the speaker of the house of representatives.
39 The purposes of these contacts is to: (i) serve as the common-
40 wealth's official legislative liaisons with the federal government
41 on trade-related matters; (ii) serve as the designated recipients of
42 federal requests for the commonwealth to agree to be bound by
43 investment, procurement, services or other provisions of interna-
44 tional trade agreements which encroach on state law or regulatory
45 authority reserved to the commonwealth; and (iii) inform all mem-
46 bers of the general court on a regular basis about ongoing trade
47 negotiations and dispute settlement proceedings with implications
48 for existing state laws or state regulatory authority more gener-
49 ally;

50 (d) any requests from the United States Trade Representative
51 seeking the commonwealth's consent to be bound by future inter-
52 national trade agreements shall be received by the state legislative
53 points of contact. Said points of contact shall immediately refer
54 the request to the clerk of the house and the clerk of the senate
55 who shall promptly refer the matter to the appropriate legislative
56 committee;

57 (e) the committee having jurisdiction shall draft a resolution
58 granting or disallowing consent and shall report it to the general
59 court no later than 30 days after receipt. A public hearing shall
60 occur before the general court votes on the request. The state leg-
61 islative points of contact shall immediately notify the United
62 States Trade Representative of the outcome of any legislative
63 action.

1 SECTION 30. Section 3 of chapter 40A of the General Laws,
2 as so appearing, is hereby amended by striking out the first para-
3 graph and inserting in place thereof the following paragraph:—

4 No zoning ordinance or by-law shall regulate or restrict the use
5 of materials, or methods of construction of structures regulated by
6 the state building code, nor shall any such ordinance or by-law
7 prohibit, unreasonably regulate, or require a special permit for, the
8 use of land for the primary purpose of commercial agriculture,
9 aquaculture, silviculture, horticulture, floriculture, or viticulture;
10 nor prohibit, unreasonably regulate, or require a special permit for
11 the use, expansion, reconstruction or construction of structures
12 thereon for the primary purpose of commercial agriculture, aqua-
13 culture, silviculture, horticulture, floriculture, or viticulture,
14 including those facilities for the sale of produce, wine and dairy
15 products; provided that either during the months of June, July,
16 August, and September of every year or during the harvest season
17 of the primary crop raised on land of the owner or lessee, 25 per
18 cent of such products for sale, based on either gross sales dollars
19 or volume, have been produced by the owner or lessee of the land
20 on which the facility is located, or at least 25 per cent of such
21 products for sale, based on either gross annual sales or annual
22 volume, have been produced by the owner or lessee of the land on
23 which the facility is located, and at least an additional 50 per cent
24 of such products for sale, based upon either gross annual sales or
25 annual volume, have been produced in Massachusetts on land,
26 other than that on which the facility is located, used for the pri-
27 mary purpose of commercial agriculture, aquaculture, silviculture,
28 horticulture, floriculture, or viticulture, whether by the owner or
29 lessee of the land on which the facility is located or by another;
30 except that all such activities may be limited to parcels of 5 acres
31 or more in area not zoned for agriculture, aquaculture, silvicul-
32 ture, horticulture, floriculture, or viticulture. For such purposes,
33 land divided by a public or private way or a waterway shall be
34 construed as one parcel. No zoning ordinance or bylaw shall
35 exempt land or structures from flood plain or wetlands regulations
36 established pursuant to general law. For the purposes of this
37 section, the term agriculture shall be as defined in section 1A of
38 chapter 128, and the term horticulture shall include the growing
39 and keeping of nursery stock and the sale thereof. Said nursery
40 stock shall be considered to be produced by the owner or lessee of
41 the land if it is nourished, maintained and managed while on the
42 premises.

1 SECTION 31. Section 4F of chapter 40J of the General Laws,
2 as so appearing, is hereby amended by striking out paragraph (b)
3 and inserting in place thereof the following paragraph:—

4 (b) There shall be a broadband access oversight council within
5 the Massachusetts Technology Park Corporation for the purpose
6 of increasing broadband services in underserved communities.
7 The council shall be comprised of 12 members, 1 of whom shall
8 be designated by the Franklin-Hampshire Connect; 1 of whom
9 shall be designated by the Berkshire Connect; 1 of whom shall be
10 designated by the Massachusetts Association of Regional Plan-
11 ning Agencies; 1 of whom shall be designated by the Massachu-
12 setts Municipal Association; 1 of whom shall be the secretary of
13 economic affairs; 1 of whom shall be the chairman of the com-
14 monwealth development council; 1 of whom shall be the chairman
15 of the department of telecommunications and energy; and 5 of
16 whom shall be appointed by the governor, 1 of whom shall be a
17 representative from the telecommunications industry; 1 of whom
18 shall be a representative from the cable television telecommunica-
19 tions industry; 1 of whom shall be a representative of a small-to-
20 medium sized local exchange carrier; 1 of whom shall have
21 expertise in state and federal law concerning telecommunications
22 technology; and 1 of whom shall be a member of the public. The
23 council shall develop and recommend short and long-term strate-
24 gies to achieve broadband expansion in every community in the
25 commonwealth. Specifically, the council shall: (i) identify com-
26 munities that lack broadband service and leverage the telecommu-
27 nications purchasing power of the commonwealth and the private
28 sector to bring broadband service to every community in the com-
29 monwealth; (ii) identify appropriate technologies and strategies to
30 bring broadband service into underserved communities; (iii) iden-
31 tify specific state properties that, if made available, would facili-
32 tate the deployment of these technologies to achieve service in
33 under-served areas; (iv) identify technologies to create wireless
34 downtowns, so-called, as a means of promoting economic devel-
35 opment; (v) investigate new technologies in order to ensure that
36 Massachusetts is a leader in the adoption of telecommunications
37 technologies; and (vi) take other action considered necessary to
38 fulfill the goal of broadband marketplace choice in underserved
39 communities. The council shall annually submit any recommenda-

40 tions and make periodic reports on progress being made towards
41 achieving these objectives to the department of business and tech-
42 nology, the house and senate committees on ways and means, the
43 joint committee on economic development and emerging tech-
44 nologies, and the joint committee on telecommunication, utilities
45 and energy.

1 SECTION 32. Section 5 of chapter 59 of the General Laws, as
2 so appearing, is hereby amended by inserting after the word “cor-
3 poration”, in lines 247, 249 the first time it appears, in line 269,
4 and in line 270, the following words:— or a domestic research
5 and development corporation.

1 SECTION 33. Paragraph (3) of clause Sixteenth of said
2 section 5 of said chapter 59, as so appearing, is hereby amended
3 by adding the following sentence:— This clause, as it applies to a
4 domestic research and development corporation as defined in
5 section 38C of chapter 63 or a foreign research and development
6 corporation as defined in section 42B of said chapter 63, shall
7 take effect upon its acceptance by any city or town.

1 SECTION 38. Said section 5 of said chapter 59, as so
2 appearing, is hereby further amended by inserting in after the
3 word “manufacturing”, in lines 285, 288 and in line 292, the
4 following words:— or research and development.

1 SECTION 35. Paragraph (1) of subsection j of section 6 of
2 chapter 62 of the General Laws, as so appearing, is hereby
3 amended by striking out the first paragraph and inserting in place
4 thereof the following paragraph:—

5 A taxpayer or nonprofit organization which commences and
6 diligently pursues an environmental response action on or before
7 August 5, 2010 and who achieves and maintains a permanent
8 solution or remedy operation status in compliance with
9 chapter 21E and the regulations promulgated pursuant thereto
10 which includes an activity and use limitation shall, at the time
11 such permanent solution or remedy operation status is achieved,
12 be allowed a base credit of 25 per cent of the net response and
13 removal costs incurred between August 1, 1998 and January 1,

14 2012 for any property it owns or leases for business purposes and
15 which is located within an economically distressed area as defined
16 in section 2 of chapter 21E. Such costs shall not be less than 15
17 per cent of the assessed value of the property prior to remediation
18 and the site shall be reported to the department of environmental
19 protection. A credit of 50 per cent of such costs shall be allowed
20 for any such taxpayer or non-profit organization who achieves and
21 maintains a permanent solution or remedy operation status in
22 compliance with chapter 21E and the Massachusetts Contingency
23 Plan at 310 CMR 40.00, as amended, which does not include an
24 activity and use limitation. Only a taxpayer that is an eligible
25 person, as defined by section 2 of chapter 21E, and not subject to
26 any enforcement action brought pursuant to chapter 21E shall be
27 allowed a credit.

1 SECTION 36. Said subsection (j) of said section 6 of said
2 chapter 62, as so appearing, is hereby further amended by adding
3 the following paragraph:—

4 (5) All or any portion of tax credits issued in accordance with
5 the provisions of this subsection may be transferred, sold, or
6 assigned to taxpayers or non-profit organizations eligible pursuant
7 to the provisions of paragraph (1). A taxpayer or nonprofit organi-
8 zation desiring to make a transfer, sale, or assignment shall submit
9 to the commissioner a statement which describes the amount of
10 the Massachusetts environmental response action tax credit for
11 which such transfer, sale, or assignment of Massachusetts environ-
12 mental response action tax credit is eligible. The taxpayer or non-
13 profit organization shall provide to the commissioner appropriate
14 information so that the environmental response action tax credit
15 can be properly allocated. The commissioner shall issue a certifi-
16 cate to the party receiving the environmental response action tax
17 credit reflecting the amount of the tax credit received, a copy of
18 which shall be attached by the party receiving the environmental
19 response action tax credit to each tax return in which the tax
20 credits are used.

21 (6) The commissioner shall annually, not later than
22 September 1, file a report with the house and senate committees
23 on ways and means the chairs of the joint committee on commu-
24 nity development and small businesses and the chairs of the joint
25 committee on economic development and emerging technologies,

26 identifying the total amount of tax credits claimed pursuant to this
27 subsection and the total amount of tax credits transferred, sold, or
28 assigned pursuant to paragraph (5) for the preceding fiscal year.

1 SECTION 37. Said chapter 62 is hereby further amended by
2 inserting after section 6 the following section:—

3 Section 6½. (a) As used in this section the following words
4 shall, unless the context clearly requires otherwise, have the
5 following meanings:—

6 “Department”, the department of revenue.

7 “Medical device”, an instrument, apparatus, implement,
8 machine, contrivance, implant, in vitro reagent, or other similar or
9 related article, including a component part or accessory, which is
10 recognized in the official National Formulary, or the United States
11 Pharmacopoeia, or any supplement thereto, intended for use in the
12 diagnosis of disease or other conditions, or in the cure, mitigation,
13 treatment, or prevention of disease, in humans or other animals,
14 and which does not achieve any of its primary intended purposes
15 through chemical action within or on the body of a human or other
16 animals and which is not dependent upon being metabolized for
17 the achievement of any its primary intended purposes.

18 “Medical device company”, a sole proprietorship, partnership,
19 limited liability company, corporate trust, corporation or other
20 business (i) the income of which is taxed directly to such business
21 or its owners under this chapter; and (ii) that has a facility located
22 in the commonwealth which develops or manufactures medical
23 devices.

24 “Medical device tax credit”, the tax credit established pursuant
25 to this section that a medical device company generated but was
26 unable to claim as of the close of the last taxable year for which a
27 return was filed because of limited tax liability.

28 “User fees”, the monetary amount actually paid by a medical
29 device company to the United States Food and Drug Administra-
30 tion during the taxable year for pre-market approval to market
31 new technologies developed or manufactured in the common-
32 wealth, or for a 510(k) clearance to market upgrades, changes or
33 enhancements to existing technologies that are developed or man-
34 ufactured in the commonwealth as stipulated in United States
35 Public Law 107-250, the Medical Device User Fee and Modern-
36 ization Act.

37 (b) There shall be allowed to any medical device company as a
38 credit against any tax liability imposed pursuant to this chapter, an
39 amount equal to 100 per cent of the cost of user fees paid by such
40 medical device company during the taxable year for which the tax
41 is due.

42 (c) The department shall establish a medical device tax credit
43 transfer program to allow medical device companies doing busi-
44 ness in the commonwealth with unused medical device tax credits
45 to transfer such credits for use by a purchasing company in
46 exchange for private financial assistance to be provided by such
47 company to assist in the funding of costs incurred by the medical
48 device companies.

49 Said private financial assistance shall be used to fund expenses
50 incurred in connection with the operation of the medical device
51 company in the commonwealth, including costs associated with
52 fixed assets, such as the construction and acquisition and develop-
53 ment of real estate, materials, start-up, tenant fit-out, working cap-
54 ital, salaries, research and development expenditures, and any
55 other expenses determined by the department to be necessary to
56 carry out the purposes of the program. A medical device company
57 that wishes to participate in the program shall file an application
58 with the department, on a form prescribed by the department that
59 sets forth the medical device tax credit amounts eligible for
60 transfer, the use to which the medical device company intends to
61 put the private financial assistance to be provided, the identity of
62 the purchasing company, the amount of the financial assistance to
63 be provided, and such other information as the department may
64 require. No such medical device tax credits may be surrendered
65 unless the purchasing company provides financial assistance in an
66 amount equal to at least 75 per cent of the medical device tax
67 credit amounts eligible to transfer.

68 The department shall review such application and if the pro-
69 posed transfer meets the requirements set forth herein, it shall,
70 upon receipt of a notarized statement signed under the pains and
71 penalties of perjury by an authorized representative of the medical
72 device company that the purchasing company has provided the
73 specified financial assistance, issue a certificate to the purchasing
74 company reflecting the medical device tax credit amounts trans-
75 ferred, a copy of which shall be attached to each tax return by a
76 purchasing company in which such medical device tax credits are

77 used. The purchasing company shall treat the medical device tax
78 credit amounts purchased under the program as a credit against its
79 tax liability pursuant to this chapter. The purchasing company
80 must use the medical device tax credit amounts so treated in tax
81 returns filed within 5 years of the issuance of the certificate, after
82 which the benefits will be deemed to have expired. The pur-
83 chasing company may not use the medical device tax credit
84 amounts to reduce the income tax to less than the amount due
85 under section 4. No medical device company surrendering med-
86 ical device tax credits under the program may use the benefits to
87 reduce its tax liability under this chapter.

88 (d) The commissioner is hereby authorized and directed to pro-
89 mulgate rules and regulations relative to the administration and
90 enforcement of this section.

1 SECTION 39. Section 1 of chapter 62C of the General Laws, as
2 so appearing, is hereby amended by inserting after the definition
3 of “Code” the following definition:—

4 “Materialman”, any person primarily engaged in selling
5 building material, tools, and equipment for the improvement of
6 real property and authorized by law to file a mechanics lien upon
7 real property for improvements related thereto.

1 SECTION 40. Subsection (h) of section 16 of said chapter 62C,
2 as so appearing, is hereby amended by adding the following two
3 sentences:— A materialman shall file a return with the commis-
4 sioner each month. Each such return shall be filed within 50 days
5 after the expiration of the period covered thereby.

1 SECTION 38. Subparagraph (i) of paragraph (1) of subsec-
2 tion (b) of section 6J of said chapter 62, as appearing in the 2004
3 Official Edition, is hereby amended by striking out the first sen-
4 tence and inserting in place thereof the following sentence:— The
5 commissioner, in consultation with the Massachusetts historical
6 commission, shall authorize annually, for the 6 year period begin-
7 ning January 1, 2005, and ending December 31, 2010, under this
8 section together with section 38R of chapter 63, an amount not to
9 exceed \$50,000,000 per year.

1 SECTION 41. Section 67D of said chapter 62C, as so
2 appearing, is hereby further amended by inserting after the word
3 “manufacturing”, in lines 4, 14, 26, 37, 40, 55, 70, 76, 91, 99, 108,
4 and 113, the following words: “or marine science technology.

1 SECTION 42. Said section 67D of said chapter 62C, as so
2 appearing, is hereby further amended by inserting after the defini-
3 tion of “Local jobs created” the following definition:—

4 “Marine science technology company,” a business engaged in
5 research, exploration, operations, monitoring, or defense in
6 marine settings. This term shall include contract manufacturers
7 engaged in the production of such products for a marine science
8 technology company.

1 SECTION 43. Said section 67D of said chapter 62C, as so
2 appearing, is hereby further amended by inserting after the word
3 “respectively”, in line 68, the following words:— or direct manu-
4 facturing or professional services performed by an employee of a
5 marine science technology company during a calendar year that
6 consists of research, exploration, operations, monitoring, or
7 defense in a marine setting.

1 SECTION 44. Chapter 63 of the General Laws is hereby
2 amended by inserting after section 31K the following section:—

3 Section 31L. (a) As used in this section the following words
4 shall, unless the context otherwise requires, have the following
5 meanings:—

6 “Department”, the department of revenue.

7 “Medical device”, an instrument, apparatus, implement,
8 machine, contrivance, implant, in vitro reagent, or other similar or
9 related article, including a component part or accessory, which is
10 recognized in the official National Formulary, or the United States
11 Pharmacopoeia, or any supplement thereto, intended for use in the
12 diagnosis of disease or other conditions, or in the cure, mitigation,
13 treatment, or prevention of disease, in humans or other animals,
14 and which does not achieve any of its primary intended purposes
15 through chemical action within or on the body of a human or other
16 animals and which is not dependent upon being metabolized for
17 the achievement of any its primary intended purposes.

18 “Medical device company”, (1) a domestic corporation orga-
19 nized under or subject to chapter 156B or chapter 156D, (2) a lim-
20 ited liability company organized under chapter 156C and
21 otherwise subject to this chapter, or (3) a corporation, organization
22 or association, established, organized or chartered under the laws
23 other than those of the commonwealth and otherwise subject to
24 this chapter, and in each case which has a usual place of business
25 within the commonwealth wherein medical devices are developed
26 or manufactured.

27 “Medical device tax credit”, the tax credit established pursuant
28 to this section that the medical device company generated but was
29 unable to claim as of the close of the last taxable year for which a
30 return was filed because of limited tax liability.

31 “User fees”, the monetary amount actually paid by a medical
32 device company to the United States Food and Drug Administra-
33 tion during the taxable year for a pre-market approval to market
34 new technologies developed or manufactured in the common-
35 wealth, or for a 510(k) clearance to market upgrades, changes or
36 enhancements to existing technologies that are developed or man-
37 ufactured in the commonwealth as stipulated in United States
38 Public Law 107-250, the Medical Device User Fee and Modern-
39 ization Act.

40 (b) There shall be allowed to any medical device company as a
41 credit against the tax liability imposed under this chapter, an
42 amount equal to 100 per cent of the cost of user fees paid by such
43 medical device company during the taxable year for which the tax
44 is due.

45 (c) The department shall establish a medical device tax credit
46 transfer program to allow medical device companies doing busi-
47 ness in the commonwealth with unused medical device tax credits
48 to transfer such credits for use by a purchasing company in
49 exchange for private financial assistance to be provided by such
50 company to assist in the funding of costs incurred by the medical
51 device companies.

52 Said private financial assistance shall be used to fund expenses
53 incurred in connection with the operation of the medical device
54 company in the commonwealth, including costs associated with
55 fixed assets, such as the construction and acquisition and develop-
56 ment of real estate, materials, start-up, tenant fit-out, working cap-

57 ital, salaries, research and development expenditures, and any
58 other expenses determined by the department to be necessary to
59 carry out the purposes of the program. A medical device company
60 that wishes to participate in the program shall file an application
61 with the department, on a form prescribed by the department that
62 sets forth the medical device tax credit amounts eligible for
63 transfer, the use to which the medical device company intends to
64 put the private financial assistance to be provided, the identity of
65 the purchasing company, the amount of the financial assistance to
66 be provided, and such other information as the department may
67 require. No such medical device tax credits may be surrendered
68 unless the purchasing company provides financial assistance in an
69 amount at least equal to 75 per cent of the medical device tax
70 credit amounts eligible to transfer. The department shall review
71 such application and, if the proposed transfer meets the require-
72 ments set forth in this section, it shall, upon receipt of a notarized
73 statement signed under the pains and penalties of perjury by an
74 authorized representative of the medical device company that the
75 purchasing company has provided the specified financial assis-
76 tance, issue a certificate to the purchasing company reflecting the
77 medical device tax credit amounts transferred, a copy of which
78 shall be attached to each tax return by a purchasing company in
79 which such medical device tax credits are used. The purchasing
80 company shall treat the medical device tax credit amounts pur-
81 chased under the program as a credit against its excise under this
82 chapter. The purchasing company must use the medical device tax
83 credit amounts so treated in tax returns filed within 5 years of the
84 issuance of the certificate, after which the credits will be deemed
85 to have expired. The purchasing company may not use the med-
86 ical device tax credit amounts to reduce the excise to less than the
87 amount due under subsection (b) of section 32, or subsection (b)
88 of section 39. No medical device company surrendering medical
89 device tax credits under the program may use the benefits to
90 reduce its tax liability under this chapter.

91 (d) The commissioner is hereby authorized and directed to pro-
92 mulgate rules and regulations relative to the administration and
93 enforcement of this section.

1 SECTION 45. The definition of “Manufacturing corporation”
2 of paragraph (1) of the sixth paragraph of section 38 of said

3 chapter 63, as so appearing, is hereby further amended by adding
4 the following:—

5 Any operation manufacturing value-added agricultural products
6 shall be considered a manufacturing corporation.

7 “Value-added agricultural products” shall be defined as any
8 products of “farming” or “agriculture”, as defined in section 1A of
9 chapter 128, that have increased in market value due to some
10 process other than packaging. Value-added agricultural products
11 shall include, but not be limited to, the following: cheese, butter,
12 buttermilk, yogurt, cream, ice cream, fruit preserves, fruit juices,
13 fruit sauces, fruit syrups, dried fruit, seeded fruits, peeled or
14 chopped fruit and vegetables, processed fruit and vegetables,
15 salads, maple syrup, maple candy, honey and all apicultural prod-
16 ucts, horticulture nursery and greenhouse products, topiary plants,
17 bacon, sausage, lard, dried or smoked meat, and wool as well as
18 fish, seafood, and other aquatic products.

1 SECTION 46. Said section 38 of chapter 63, as so appearing, is
2 hereby further amended by striking out, in line 309, the word
3 “five” and inserting in place thereof the following figure:— 6.

1 SECTION 47. Paragraph (1) of subsection (1) of the sixth para-
2 graph of said section 38 of said chapter 63, as so appearing, is
3 hereby further amended by adding the following clause:—

4 6. The corporation’s annual gross receipts from the sale of
5 value-added agricultural products generates are over \$500.00.

1 SECTION 48. Said chapter 63 is hereby further amended by
2 striking out section 38C, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 38C. A corporation organized under, or otherwise sub-
5 ject to chapter 156B, and a limited liability company organized
6 under chapter 156C which is not classified as a partnership and
7 has elected to be taxed as a corporation separate from its members
8 for federal income tax purposes which is engaged in manufac-
9 turing in the commonwealth, or in research and development in
10 the commonwealth shall, for the purposes of this chapter, be
11 deemed to be a domestic manufacturing corporation or a domestic
12 research and development corporation. A domestic manufacturing
13 corporation shall be taxed in the same manner and shall have the

14 same duties under this chapter and chapter 62C as a domestic
15 business corporation, except insofar as the determination of the
16 excise under this chapter may be affected by reason of the exemp-
17 tion from local taxation of the machinery of a domestic manufac-
18 turing corporation.

19 A domestic research and development corporation for the pur-
20 poses of this section is one whose principal activity in the com-
21 monwealth is research and development and which, during the
22 taxable year, derives more than 2/3 of its receipts attributable to
23 the commonwealth from the activity or incurs more than 2/3 of its
24 expenditures attributable to the commonwealth, allocable to such
25 activity. Corporations engaged in both research and development
26 and in manufacturing shall exclude expenditures related to manu-
27 facturing from total expenditures for the purpose of assessing
28 whether 2/3 of expenditures are allocable to research and develop-
29 ment, whether or not the manufacturing activities of the corpora-
30 tion are substantial. Receipts from research and development shall
31 include receipts from the provision of research and development
32 services and from royalties or fees derived from the licensing of
33 patents, know-how or other technology developed from research
34 and development. For purposes of this section, research and
35 development is experimental or laboratory activity having as its
36 ultimate goal the development of new products, the improvement
37 of existing products, the development of new uses for existing
38 products, the development or improvement of methods for pro-
39 ducing products, and does not include testing or inspection for
40 quality control purposes, efficiency surveys, management studies,
41 consumer surveys or other market research, advertising or promo-
42 tional activities, or research in connection with literacy, historical
43 or similar projects.

1 SECTION 49. Subsection (a) of section 38N of said chapter 63,
2 as so appearing, is hereby amended by striking the last 3 para-
3 graphs and inserting in place thereof the following paragraphs:—
4 A credit allowed under this section may be taken only after the
5 taxpayer completes a report signed by an authorized representa-
6 tive of the corporation, and files the report with the EACC within
7 two years of the initial project certification by the economic assis-
8 tance coordinating council and annually thereafter. The economic
9 assistance coordinating council shall certify that property eligible

10 for the credit is a certified project within the economic opportu-
11 nity area as defined in said section 3E of said chapter 23A and
12 wholly within an area designated as an economic target area pur-
13 suant to section 3D of said chapter 23A, and that the certified pro-
14 ject reasonably satisfies the employment projections specified in
15 the original project proposal. Based upon the information pro-
16 vided in the report and its own independent investigation, the
17 EACC shall determine whether the certified project is in compli-
18 ance with the definition of certified project set forth in this section
19 and whether the project has a reasonable chance of increasing
20 employment opportunities as advanced in the initial proposal as
21 certified by the EACC. If the EACC determines that the certified
22 project is no longer in compliance, then certification of the project
23 shall be revoked by said EACC as provided in section 3F of
24 chapter 23A and notification of decertification shall be given to
25 the commissioner of the department of revenue who shall disallow
26 any future credits under this section. If the project is considered
27 decertified for reasons of fraud or material misrepresentation, as
28 determined by the EACC and the commissioner of revenue, the
29 commissioner shall have a cause of action against the controlling
30 business of the project for the value of any economic benefits
31 received, including, but not limited to, the amount of the tax credit
32 allowed under this section. Nothing in this section shall be
33 deemed to limit the authority of the commissioner to make adjust-
34 ments to a corporation's liability upon audit.

1 SECTION 49A. Section 3F of chapter 23A of the General Laws
2 is hereby amended by striking the following words inserted by
3 section 2 of chapter 262 of the acts of 2004: "or by the commis-
4 sioner of revenue upon denial of the application of the tax credit
5 provided in section 38N of chapter 63. and" and inserting in place
6 thereof the following words:— and only.

1 SECTION 49B. Said section 3F of said chapter 23A of the
2 General Laws, as so appearing, is hereby further amended by
3 striking out the word "or" inserted by section 3 of chapter 262 of
4 the acts of 2004 and inserting in place thereof the following
5 word:— and.

1 SECTION 51. Said section 38Q of said chapter 63, as so
2 appearing, is hereby further amended by adding the following
3 subsection:—

4 (g) All or any portion of tax credits issued in accordance with
5 the provisions of this section may be transferred, sold, or assigned
6 to parties who are eligible under provisions of subsection (a). A
7 corporation desiring to make a transfer, sale, or assignment shall
8 submit to the commissioner a statement which describes the
9 amount of the Massachusetts environmental response action tax
10 credit for which such transfer, sale, or assignment of Massachu-
11 setts environmental response action tax credit is eligible. Said cor-
12 poration shall provide appropriate information so that the
13 environmental response action tax credit can be properly allo-
14 cated. The commissioner shall issue a certificate to the party
15 receiving the environmental response tax credit reflecting the
16 amount of tax credit received, a copy of which shall be attached
17 by the party receiving the environmental response tax credit to
18 each tax return in which the tax credits are used.

19 (h) The commissioner shall annually, not later than
20 September 1, file a report with the house and senate committees
21 on ways and means, the joint committee on community develop-
22 ment and small businesses and the joint committee on economic
23 development and emerging technologies, identifying the total
24 amount of tax credits claimed pursuant to this section and the total
25 amount of tax credits transferred, sold, or assigned pursuant to
26 this section in the preceding fiscal year.

1 SECTION 52. Subparagraph (i) of paragraph (1) of subsec-
2 tion (b) of section 38R of said chapter 63, as so appearing, is
3 hereby amended by striking out the first sentence and inserting in
4 place thereof the following sentence:— The commissioner, in con-
5 sultation with the Massachusetts historical commission, shall
6 authorize annually, for the 6 year period beginning January 1,
7 2005, and ending December 31, 2010, under this section together
8 with section 6J of chapter 62, an amount not to exceed
9 \$50,000,000 per year.

1 SECTION 53. Section 42B of said chapter 63, as so appearing,
2 is hereby amended by striking out, in lines 18 to 22, inclusive, the
3 words; “provided however, that a corporation that qualifies as a

4 foreign research and development corporation only by reason of
5 its expenditures shall not be entitled to the credit provided in
6 section 31A of chapter 63 by virtue of its qualification as a for-
7 eign research and development corporation”.

1 SECTION 53A. Section 18 of chapter 138 of the General Laws,
2 as so appearing, is hereby amended by inserting after the last
3 paragraph the following new paragraph:—(A) (1) The commis-
4 sioner may issue to any manufacturer of food products, including
5 ice cream, licenses as importers only to import alcoholic bever-
6 ages into the commonwealth for use only in connection with the
7 manufacture of such products by the holder of the license issued
8 under this paragraph.

9 (2) Nothing contained in this paragraph shall authorize the
10 holder of an importer’s license to sell such alcoholic beverages as
11 he is licensed to import hereunder, or to export such alcoholic
12 beverages from this commonwealth into any state or into any for-
13 eign country.

14 (3) No vote in any city or town under section eleven shall pre-
15 vent the granting or renewal of a license under this paragraph.

16 (4) All alcoholic beverages purchased by any licensee under
17 this paragraph, and all alcoholic beverages, shipped into the com-
18 monwealth pursuant to any such purchase, shall be warehoused at
19 the warehouse facilities of such licensee and held in his physical
20 possession at such warehouse. (5) Every importer under this
21 section shall keep such records as the commission may prescribe,
22 and shall file with the commission, whenever and as often as it
23 may require, duplicates of copies of such records. The commis-
24 sion shall at all times, through its designated officers or agents,
25 have access to all books, records or other documents of every
26 licensed importer relating to the licensee’s importer business.

27 (6) The annual license fee for each importer shall be computed
28 based on the bandage imported by the importer as follows:

29 5,000 gallons or less per year \$22 per year

30 More than 5,000 gallons and less than 20,000 gallons per ear
31 \$44 per year

32 More than 20,000 gallons per year and less than 50,000 gallons
33 per year \$82 per year.

34 Any amount over 50,000 gallons shall be subject to current
35 statute.

36 For the above purposes, a barrel shall be thirty-one gallons.

37 (7) Every applicant for an importer license shall, at the time of
38 filing an application, pay a license fee based on a reasonable esti-
39 mate of the amount of alcoholic beverages to be imported during
40 the year covered by the license. Persons holding importers
41 licenses shall report annually at the end of the year covered by the
42 license the amount of alcoholic beverages produced during such
43 year. If the total amount of such alcoholic beverages exceeds the
44 amount permitted by the fee already paid, the licensee shall pay
45 whatever additional fee is owing under this section.

1 SECTION 54. Subsection (a) of section 15 of chapter 151A of
2 the General Laws as so appearing, is hereby amended by striking
3 out the last paragraph and inserting in place thereof the following
4 paragraph:—

5 Notwithstanding section 47, if an employer or an officer or
6 agent of an employer knowingly fails or refuses to pay any contri-
7 bution, payment in lieu of contribution or interest charge or
8 attempts in any manner to evade or defeat any contribution or
9 payment in lieu of contribution or knowingly makes a false state-
10 ment or misrepresents the employment status of an individual
11 under his employ to avoid or reduce any contribution, he shall be
12 punished by a fine equal to the total amount of contributions
13 owed, including any interest; provided further, that if as a result of
14 such action an individual fraudulently collects benefits, such
15 employer shall be assessed a penalty, in addition to the fine speci-
16 fied above, equal to the total amount of the benefits fraudulently
17 collected by the individual during the period in which such indi-
18 vidual was under its employ.

1 SECTION 55. Section 25 of said chapter 151A, as so
2 appearing, is hereby amended by striking out subsection (j) and
3 inserting in place thereof the following—(j) Any week in which the
4 individual fraudulently collects benefits. Whoever fraudulently
5 collects benefits may be disqualified for each otherwise compensa-
6 ble week for each such total or partial week of erroneous pay-
7 ment; provided however; the amount in question shall be reduced
8 by any earnings disregard in subsection (d) of section 29; pro-
9 vided further, that at the discretion of the commissioner, the
10 amount erroneously paid may be deducted first from any future

11 payments of benefits accruing to the individual under this chapter
12 provided further, the total benefits to which the individual may be
13 entitled under this chapter shall be reduced by the weekly benefit
14 amount which, but for the operation of this subsection, would be
15 payable under this chapter; provided further that the amount
16 deducted each week shall not exceed 25 per cent of the individu-
17 al's weekly unemployment benefit rate; and provided further, that
18 the individual shall have the actual notice of the requirement to
19 report his earnings and the notice shall have met the requirements
20 of clause iii of subsection (d) of section 62A. Any individual sub-
21 jected to a deduction under this section may file an appeal and
22 obtain review in accordance with sections 39 to 42, inclusive, and
23 section 71.

1 SECTION 56. Said chapter 151A is hereby further amended by
2 inserting after section 69D the following section:—

3 Section 69E. (a) In addition to any other remedy provided in
4 this chapter, the commissioner may utilize the procedures speci-
5 fied below for the collection of any outstanding obligation where:
6 (i) the obligation has been ruled final pursuant to section 69D;
7 (ii) the obligation arose as a result of the obligor's failure to
8 knowingly and willfully furnish accurate information concerning
9 any material fact, including amounts of remuneration received; or
10 (iii) the obligor has failed to satisfy the obligation or make pay-
11 ment arrangements acceptable to the commissioner within 30 days
12 after notice that such obligation has become final and is due.

13 (b) After 30 days notice that complies with the requirements of
14 clause iii of paragraph (d) of section 62A to obligor of the intent
15 to file a certificate of attachment, the commissioner may file with
16 the clerk of the Boston municipal court department or in the dis-
17 trict court department in the judicial district where the obligor
18 lives or is employed a certificate of attachment, or a copy thereof,
19 under the commissioner's official seal which shall include: the
20 name and address of the obligor; the amount owed, including
21 interest and penalties assessed pursuant to subsection (a) of
22 section 69; that the obligor is in default; and that the obligation
23 has become final. The commissioner shall also provide informa-
24 tion concerning the obligor's weekly benefit amount as referenced
25 in subsection (c).

26 (c) Upon receipt of a certificate of attachment the clerk shall
27 send written notice, first class mail, to the obligor at the address
28 listed in the certificate of attachment notifying the obligor that the
29 certificate of attachment has been filed and the clerk shall enter
30 into the judgment records of the court the name of the obligor
31 mentioned, the amount owed and in default, and the date such cer-
32 tificate of attachment was filed. No sooner than 10 days after the
33 certificate of attachment was filed with the clerk, the clerk, at the
34 request of the commissioner or the commissioner's agent or
35 attorney, shall issue an execution in the same manner as a duly
36 entered judgment of the court. No filing fee shall be paid by the
37 commissioner for the filing of a certificate of attachment.

38 (d) Every judgment issued pursuant to subsection (c) shall
39 include an attachment, and assignment to the department, of a por-
40 tion of the obligor's salaries, wages, earnings, or other periodic
41 income, in an aggregate amount sufficient to comply with the
42 judgment as limited by section 34 of chapter 235. The periodic
43 amount of the assignment shall be the lesser of the obligor's
44 weekly unemployment insurance benefit amount in effect at the
45 time the obligation arose or the maximum amount permitted by 15
46 USCA § 1673(a); provided, however, that where more than one
47 weekly benefit amount was in effect, the periodic amount shall be
48 the lesser of the average of all such weekly benefit amounts or
49 such maximum amount; provided further, that the obligor may,
50 within 10 days following the filing of the certificate of attachment
51 by the commissioner, petition the court for a modification. The
52 court shall consider the amount owed, the income and reasonable
53 expenses of the obligor and other factors which the court finds to
54 be relevant to the ability to repay the amount owed.

55 (e) An employer shall send the amount required by the attach-
56 ment to the commissioner within 3 days after the day the obligor
57 is paid. The employer may deduct from the obligor's earnings a
58 sum not exceeding \$1 per pay period as reimbursement for admin-
59 istrative costs incurred and may submit to the commissioner one
60 check covering all its employees whose earnings are attached
61 along with a statement enumerating each employee's obligation
62 and amount paid. If an attachment is in effect under subsection (d)
63 but cannot be implemented because obligor has no employer, the
64 obligor shall notify the commissioner as soon as employment is
65 obtained and the commissioner shall submit the attachment notifi-

66 cation to such employer. The attachment shall then commence on
67 the first payment of wages that occurs more than three days after
68 the employer receives notice of the attachment and shall continue
69 until the obligor leaves that employment or the employer is noti-
70 fied by the commissioner that the attachment should be termi-
71 nated.

72 (f) If the obligor changes employers, the obligor shall notify the
73 commissioner within 3 days after beginning the new employment,
74 and shall notify the new employer of the attachment. The commis-
75 sioner shall then transfer the attachment to the new employer.

76 (g) Attachments made pursuant to this section shall terminate
77 when the underlying obligation terminates and all arrears are paid.

78 (h) If an employer fails to comply with an order of attachment
79 executed pursuant to this section, the court shall, upon request of
80 the commissioner, summon the employer to appear in court and
81 show cause why he should not be held in civil contempt for failure
82 to obey said order; provided further, that an employer shall not
83 discipline, discharge, demote, suspend, threaten, harass, deny pro-
84 motion to, or in any other manner discriminate against an
85 employee because of an attachment executed or threatened pur-
86 suant to this section. Any employer who violates this section shall
87 be liable for civil contempt to such employee for all wages and
88 employment benefits lost by the employee from the commence-
89 ment of the discriminatory action to the period of reinstatement
90 and shall be liable for such damages or equitable relief as a court
91 shall deem appropriate, including reinstatement with the same
92 seniority status such employee would have had but for the dis-
93 crimination, two times the amount of back pay, interest on the
94 back pay, and compensation for any special damages sustained as
95 a result of the discrimination; provided further, that the employer
96 shall be required to reasonable attorney's fees. An employee may
97 bring an action in the appropriate superior court department or the
98 superior court department of Suffolk County for the relief pro-
99 vided in this section.

1 SECTION 56A. Section 24(c) of said chapter 151A, as so
2 appearing, is hereby amended by inserting after the word "com-
3 missioner" in line 36 the following:— provided that the commis-
4 sioner shall permit individuals to furnish information concerning
5 continuing eligibility for benefits including any remuneration

6 received by them during the period for which they claim benefits
7 by mail or in person at a public employment office, and provided
8 further that the income and eligibility certification procedures uti-
9 lized by the commissioner shall meet the requirements of
10 clause iii of subsection (d) of section 62A.

1 SECTION 57. Chapter 166 of the General Laws is hereby
2 amended by inserting after section 25A the following section:—

3 Section 25B. As used in this section the following words shall,
4 unless the context clearly requires otherwise, have the following
5 meanings:—

6 “Utility”, any person, firm, corporation or municipal lighting
7 plant that owns or controls or shares ownership or control of
8 poles, ducts, conduits or rights of way used or useful, in whole or
9 in part, for supporting or enclosing wires or cables for the trans-
10 mission of intelligence by telegraph, telephone or television or for
11 the transmission of electricity for light, heat or power; provided,
12 however, that municipal lighting plants shall be exempted from all
13 the provisions of this section for a one year period.

14 “Usable space”, the total space which would be available for
15 attachments, without regard to attachments previously made, (i)
16 upon a pole above the lowest permissible point of attachment of a
17 wire or cable upon such pole which will result in compliance with
18 any applicable law, regulation or electrical safety code or (ii)
19 within any telegraph or telephone duct or conduit.

20 “Wireless attachment”, any device, apparatus, appliance or
21 equipment used or useful in providing wireless telecommunica-
22 tions services, including any associated wire or cable, installed
23 upon any pole owned or controlled, in whole or in part, by one or
24 more utilities.

25 “Wireless provider”, any person, firm or corporation other than
26 a utility, which provides telecommunications service.

27 A utility shall provide a wireless provider with nondiscrimina-
28 tory access to any pole or right-of-way used or useful, in whole or
29 in part, owned or controlled by it for the purposes described in
30 this section. Notwithstanding this obligation, a utility may deny a
31 wireless provider access to its poles, ducts, conduits, or rights-of-
32 way, on a nondiscriminatory basis only if the utility can substan-
33 tiate that the wireless provider refuses to incorporate into the
34 terms and conditions of an agreement for access to such poles,

35 conduits or right-of-ways reasonable terms concerning, safety,
36 reliability and generally applicable engineering standards, but
37 shall otherwise execute an agreement with the wireless provider in
38 consideration at or below the maximum rate set by the depart-
39 ment. Subject to the requirement of the section, no wireless
40 attachments shall be made to the poles, towers, piers, abutments,
41 conduits, manholes, and other fixtures necessary to sustain, pro-
42 tect, or operate the wires or cables of any lines used principally
43 for the supply of electricity in bulk, without the written consent of
44 the utility.

45 The department shall have authority to regulate the maximum
46 rates applicable to wireless attachments placed on poles, and in so
47 doing shall be authorized to consider, and shall consider, the
48 interest of subscribers of wireless communications services as
49 well as the interest of consumers of utility services. In any case in
50 which the utility and wireless provider fail to agree upon rates of
51 placing wireless attachments on the utility's poles, upon petition
52 of any wireless provider said department shall determine and
53 enforce reasonable rates, for the use of the poles addressed by said
54 petition by the petitioning wireless provider.

55 The department, pursuant to the provisions of this section, shall
56 determine a just and reasonable maximum rate for the use of poles
57 of a utility for wireless attachments of poles by a wireless
58 provider by assuring the utility recovery of not less than the addi-
59 tional costs of making provision for wireless attachments nor
60 more than the proportional capital and operating expenses of the
61 utility attributable to that portion of the pole occupied by the
62 attachment. Such portion shall be computed by determining the
63 percentage of the total usable space on a pole that is occupied by
64 the attachment. The department is hereby authorized and directed
65 to promulgate rules or regulations for the administration and
66 enforcement of this section.

1 SECTION 58. Section 11 of chapter 614 of the acts of 1968, as
2 most recently amended by section 4 of chapter 268 of the acts of
3 1980, is hereby amended by striking out the first sentence and
4 inserting in place thereof the following sentence:— In the discre-
5 tion of the authority, any revenue bonds issued under the provi-
6 sions of this act may be secured by a trust agreement by and
7 between the authority and a corporate trustee or trustees, which

8 may be any trust company or bank chartered or incorporated in the
9 United States and having the powers of a trust company or bank.

1 SECTION 59. Said section 11 of said chapter 614 of the acts of
2 1968, as so appearing, is hereby further amended by striking out
3 the fourth sentence and inserting in place thereof the following:—
4 Any bank or trust company or such savings bank which may act as
5 depository of the proceeds of bonds or of such revenues or other
6 moneys may furnish such indemnity bonds or pledge such securi-
7 ties as may be required by the authority.

1 SECTION 60. Section 25 of chapter 175 of the acts of 1998, as
2 most recently amended by section 1 of chapter 172 of the acts of
3 1999 and section 159 of chapter 184 of the acts of 2002, is hereby
4 further amended by striking out, in line 2, the figure “2005” and
5 inserting in place thereof the following figure:— 2010.

1 SECTION 61. Section 53 of chapter 141 of the acts of 2003 is
2 hereby further amended by inserting after subsection (e) the
3 following:—

4 (f) The council shall: (i) provide agencies with input regarding
5 proposed permanent rules or regulations which adversely affect
6 small business; (ii) review any rule or regulation promulgated by a
7 state agency which adversely affects small business and make rec-
8 ommendations to the agency and the general court regarding the
9 need for a rule, regulation or legislation to address said adverse
10 affects.

11 Within the review and comment period, if the council deter-
12 mines that a proposed rule or regulation adversely affects small
13 business, the council shall submit to the agency a request to con-
14 sider: (i) the availability and practicability of less restrictive alter-
15 natives that could be implemented; and (ii) creative, innovative, or
16 flexible methods of compliance for small businesses; provided
17 further, that the council shall also review current regulations and
18 make recommendations to agencies on amendments to those regu-
19 lations that may have a negative impact on small business. An
20 agency receiving such recommendation shall respond in writing to
21 the council as to whether it intends to pursue the council’s recom-
22 mendations and, if it does not intend to pursue said recommenda-
23 tions, identify its reasoning; provided, however, that the council’s
24 review shall not apply to proposed permanent rules or regulations

25 by an agency to implement a statute or ordinance that does not
 26 require an agency to interpret or describe the requirements of the
 27 statute or ordinance, such as state legislative or federally man-
 28 dated provisions which afford the agency no discretion to consider
 29 less restrictive alternatives.

30 The department of business and technology shall provide
 31 administrative support to the council, as requested.

1 SECTION 62. Item 4120-2000 in Section 2 of chapter 45 of the
 2 acts of 2005 is hereby amended by striking out the figure
 3 “\$7,476,987” and inserting in place thereof the following
 4 figure:— \$7,976,987.

1 SECTION 63. Said section 2 of said chapter 45 is hereby fur-
 2 ther amended by inserting after item 7002-0012 the following
 3 item:—

7002-0045	For the broadband affairs director within the executive office of economic development; provided, that said funding shall be used in support of the broadband access oversight council established in paragraph (b) of section 4F of chapter 40J of the General Laws; and provided further, that said funds may be utilized for pilot programs to achieve broadband expansion to every community in the commonwealth pursuant to paragraph (b) of section 4F of chapter 40J of the General Laws	250,000.
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1 SECTION 64. Said section 2 of said chapter 45 is hereby fur-
 2 ther amended by striking out item 7003-0803 and inserting in
 3 place thereof the following item:—

7003-0803	One-Stop Career Centers chartered by local workforce investment boards are a major source of information, training and labor exchange and job placements in Massachusetts. Each career center shall inform unemployed or underemployed residents and individuals with low educational skill levels or limited English proficiency who seek assistance from the center of the full range of education and training programs that are available to them, the availability of jobs in the professions for which such programs prepare participants, and the average wage rates in such professions within the commonwealth. The department of workforce development shall conduct an evaluation of the use of one-stop career centers including, but not limited to, the numbers of individuals and employers served in each region; the services provided by each one stop career center; the number of persons and costs of operating the connecting unemployment insurance claimant initiative in
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one-stops; the costs of providing each of the range of one stop career services; provided further, the department shall provide an analysis of the level of funds needed to adequately support the services at one-stop career centers. The director shall annually, by September 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the status of the evaluation herein required and the allocation of said funds. Said appropriation shall support the operations of existing one-stop career centers 6,000,000

1 SECTION 65. Said section 2 of said chapter 45, as so
2 appearing, is hereby further amended by inserting after item 7003-
3 0803 the following item:—

7003-0805 For a pilot program to reduce unemployment insurance fraud; provided that funds appropriated herein shall be expended for, but not limited to, fraud detection and prevention staff, investigative staff, training, and fraud detection software; provided further, that the department of workforce development shall file reports on June 30, 2007 and March 15, 2008 with the house and senate committees on ways and means and the joint committee on labor and workforce development which shall include information about the unemployment insurance fraud efforts undertaken with funds appropriated herein and with other resources, and the estimated savings both in detection and prevention from the time of the initiation of this pilot; and provided further, that funds appropriated herein shall be available for expenditure through June 30, 2008 3,285,000.

1 SECTION 66. Said section 2 of said chapter 45 is hereby fur-
2 ther amended by inserting, after item 7007-0300, the following
3 item:—

7007-0333 For the establishment within the Massachusetts office of business development of a Massachusetts in-state sales force for the marketing and promotion of the commonwealth and to increase economic development within the commonwealth; provided further, that the duties of said in-state sales force shall include, but not be limited to, the encouragement of retention, expansion, and creation of businesses and industries within the commonwealth, and the development of standards and measures to monitor and report the progress of its actions; and provided further, that the Massachusetts office of business development shall aggregate all such data and annually submit a report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, and the joint committee on com-

community development and small businesses on the activities and expenditures undertaken with funding from this line item	1,500,000
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1 SECTION 67. Item 7007-0900 in said section 2 of said
2 chapter 45 is hereby amended by inserting after the words, “pro-
3 vided further, that said office shall grant not less than \$4,000,000
4 to the Massachusetts International Marketing Partnership Incorpo-
5 rated, the business entity awarded the contract pursuant to
6 section 60 of chapter 141 of the acts of 2003 for the express pur-
7 pose of implementing the strategic marketing and promotional
8 program to recover the commonwealth’s lost international market
9 share;” the following words:— provided further that not less than
10 \$90,000 of said grant shall be used for the development of a joint
11 marketing and branding program in conjunction with the Massa-
12 chusetts International Trade Council to promote and market
13 Massachusetts as a location for foreign direct investment and
14 international business opportunity.

1 SECTION 68. Said section 2 of said chapter 45 is hereby fur-
2 ther amended by inserting after item 7007-0900 the following
3 item:—

7007-0933	For the Massachusetts Sports and Entertainment Partnership for facilitation, promotion, and coordination of the National Collegiate Athletic Association 2006 Women’s Final Four basketball champion	1,000,000
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1 SECTION 69. Said section 2 of said chapter 45 is hereby fur-
2 ther amended by striking out item 7007-1300 and inserting in
3 place thereof the following item:—

7007-1300	For the operation of the Massachusetts International Trade Council, for the purpose of enhancing global market pene- tration for product exports, service exports and technology transfer by Massachusetts businesses and institutions, and for the promotion of Massachusetts as a location for for- eign direct investment; provided that not more than \$100,000 shall be used for trade show programs enhancing regional small and medium enterprise partici- pation at foreign trade shows in concert with regional eco- nomic development agencies; provided further, that not more than \$60,000 shall be applied as a 25 per cent match to the European Commission’s Research and Innovation Fund for the operation of a technology commercialization center in Massachusetts; provided further, that not more than \$100,000 shall be used for the establishment of two
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additional foreign trade representative agency offices; provided further, that not more than \$120,000 shall be spent toward the establishment of a foreign direct investment foundation to coordinate the resources of public and private institutions in promoting Massachusetts as a location for foreign direct investment; provided further, that not more than \$180,000 shall be used to plan and implement two Massachusetts foreign trade missions to be coordinated with Massachusetts based industry councils or associations; provided further, that not more than \$50,000 shall be spent for a trade mission coordinator and industry council liaison; provided further, that not more than \$30,000 will be transferred to the Donahue Institute at the University of Massachusetts to study the feasibility of establishing a Center for International Trade at the University in conjunction with United States Department of Education programs; provided further, that not more than \$25,000 shall be used for the implementation of bilateral technology transfer programs with foreign regional economic development entities; and provided further, that not more than \$120,000 to be transferred to the Massachusetts Export Center to develop and implement a regionally based support program to assist high potential export industry clusters 1,895,000

Tourism Fund.....	50.6%
General Fund.....	49.4%

1 SECTION 70. Said section 2 of said chapter 45 is hereby fur-
 2 ther amended by striking out item 7027-0019 and inserting in
 3 place thereof the following item:—

7027-0019 For school to career connecting activities provided, that notwithstanding any general or special law to the contrary, the board of education, in cooperation with the department of workforce development and the state workforce investment board may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job; provided further, The Department of Education shall establish a formula regarding how funding for this program shall be apportioned. The Department must develop a funding formula for legislative approval by June 1, 2006 .. 7,129,687

1 SECTION 71. Said section 2 of said chapter 45 is hereby fur-
2 ther amended by striking out line item 7035-0002 and inserting in
3 place thereof the following item:—

7035-0002 For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, and English language learning, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, and that are selected competitively by the department of education; provided, that such grants shall support the successful transition of students from the most basic levels of literacy and English language proficiency to levels of skills and ability needed for parents to assume their role as full partners in their children's education, as citizens, and to successfully transition to community college certificate and degree granting programs and employment opportunities and advancement in the workplace; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by the department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that the department shall consult with the community colleges, workforce boards and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; provided further that these funds will be used to expand access to these services, reduce the waiting lists for such services and better connect these services to skills and occupational training including workplace based and worker education programs and pathways to higher education, integrated family literacy and family support and citizenship preparation; provided further, there shall be established the Adult Basic Education Advisory Committee which shall provide general oversight and make recommendations to the Commissioner and the Board of Education regarding how funding for this program shall be apportioned. The Committee shall be appointed by the Commissioner and shall include a minimum of 1 representative of the Massachusetts Coalition for Adult Education, 1 representative of the Massachusetts Workforce Board Association, 1 representative of the Massachusetts Alliance for Adult Literacy, 1 representative of the ABE Directors Council, 1 representative of the Massachusetts Institute for a New Commonwealth, 1 representative of the Massachusetts AFL-CIO to be selected by the President of the Massachusetts AFL-CIO; 1 representative appointed by the commissioner of the department of workforce development, and 1 representative of the board of higher education. The commissioner shall convene the advisory committee at least quarterly; and provided further that not more than 7.5 per cent of the funds appropriated herein may be expended for administrative purposes

32,322,628

1 SECTION 72. Notwithstanding any general or special law to
2 the contrary, not less than 10 days after the effective date of this
3 act, the comptroller shall transfer \$13,000,000 from the General
4 Fund to the Massachusetts Cultural Facilities Fund established
5 pursuant to section 42 of chapter 23G of the General Laws.

1 SECTION 73. Notwithstanding any general or special law to
2 the contrary, not less than 10 days after the effective date of this
3 act, the comptroller is hereby authorized and directed to transfer
4 not less than \$8,000,000 from the General Fund to the Massachu-
5 setts Community Development Finance Corporation for the recap-
6 italization of said corporation; provided, however, that not less
7 than \$3,000,000 of funds made available to the Massachusetts
8 Community Development Finance Corporation shall be used to
9 fund a community development financing institution, previously
10 known as the New Markets Entrepreneurial Fund, Inc.

1 SECTION 74. Notwithstanding any general or special law to
2 the contrary, not later than 10 days after the effective date of this
3 act, the comptroller is hereby authorized and directed to transfer
4 \$30,000,000 from the General Fund to the Brownfields Redevel-
5 opment Fund established pursuant to section 29A of chapter 23G
6 of the General Laws; provided however, that not more than
7 \$200,000 of this amount shall be used by the Massachusetts
8 Development Finance Agency to study the need for and potential
9 costs of allowing grants from the Brownfields Redevelopment
10 Fund to be used for asbestos and lead paint abatement; and pro-
11 vided, further, that the Massachusetts Development Finance
12 Agency shall provide a detailed written report of its findings
13 following said study no later than June 30, 2006 to the joint com-
14 mittee on community development and small businesses.

1 SECTION 75. Notwithstanding any general or special law to
2 the contrary, not later than 10 days after the effective date of this
3 act, the comptroller shall transfer \$2,000,000 from the General
4 Fund to the department of business and technology for grants
5 administered by the department; provided, however, that not less
6 than \$2,000,000 shall be made available for grants to community

7 development corporations, community development financial
8 institutions, or community based organizations for the purpose of
9 providing technical assistance or training programs to businesses
10 with 20 employees or fewer; provided, however, that no single
11 community development corporation, community development
12 financial institution, or community based organization shall
13 receive a grant of more than \$75,000 in any one fiscal year. The
14 department shall annually, on or before December 31, file a report
15 with the house and senate committees on ways and means, and the
16 joint committee on economic development and emerging tech-
17 nologies.

1 SECTION 76. Notwithstanding any other general or special law
2 to the contrary, 10 days after the effective date of this act, the
3 comptroller shall transfer \$15,000,000 from the General Fund to
4 the Massachusetts Science, Technology, Engineering and Mathe-
5 matics Grant Fund established pursuant to section 2MMM of
6 chapter 29 of the General Laws; provided, however, that the
7 comptroller shall transfer not more than \$4,000,000 in any one
8 fiscal year.

1 SECTION 77. Notwithstanding any general or special law to
2 the contrary, 10 days after the effective date of this act, the comp-
3 troller shall transfer from the General Fund to the Workforce
4 Competitiveness Trust Fund established pursuant to section 2RR½
5 of chapter 29 of the General Laws an amount equal to the work-
6 force training contributions required by section 14L of
7 chapter 151A of the General Laws and collected in each fiscal
8 year pursuant to said requirements; provided, however, that said
9 transfer shall not be less than \$11,000,000; provided, further, that
10 not less than \$1,000,000 shall be provided for grants to providers
11 of workforce development and job skills training services for pro-
12 jects benefiting older adults; and provided further, that subject to
13 appropriation, the director of workforce development shall make
14 expenditures from the fund for the purposes outlined in said
15 section 19.

1 SECTION 78. Notwithstanding any general or special law to
2 the contrary, not less than 10 days after the effective date of this

3 act, the comptroller shall transfer not less than \$250,000 from the
4 General Fund to the Small Business Association of New England
5 for the layoff aversion through management assistance program
6 for consultant and technical assistance to manufacturing compa-
7 nies in Massachusetts to prevent business closure and employee
8 displacement. Any such expenditure of the layoff aversion
9 through management program as provided for in this section shall
10 leverage at least \$1 for each dollar in matching funds for every \$1
11 granted pursuant to this section. The president of the small busi-
12 ness association of New England shall file a quarterly report with
13 the house and senate committees on ways and means, the joint
14 committee on economic development and emerging technologies
15 and the joint committee on labor and workforce development on
16 the number of employees and manufacturing based companies that
17 have received financial assistance through this section, a detailed
18 description of the services provided to manufacturing companies
19 in Massachusetts through the layoff aversion through management
20 program, and a detailed account of the expenditures of the layoff
21 aversion program, including administrative costs.

1 SECTION 79. Notwithstanding any general or special law to
2 the contrary, not less than 10 days after the effective date of this
3 act, the comptroller shall transfer not less than \$3,000,000 from
4 the General Fund to the Educational Rewards Grant Program Fund
5 established pursuant to section 21 of this act.

1 SECTION 80. Notwithstanding of any general or special law to
2 the contrary, there is hereby established a performance standards
3 and workforce accountability task force. The task force shall
4 develop and recommend policies that advance skills and work-
5 force development opportunities for incumbent, unemployed and
6 underemployed youth and adult workers whose lack of skills pre-
7 vent or limit their successful employment. Lack of skills may
8 include, but shall not be limited to, being less than proficient in
9 English, mathematics, reading, writing, science and technology, or
10 such other skills as Massachusetts employers may identify. The
11 following groups shall be specifically targeted for assistance:
12 adult workers with no post-secondary education; adult immigrants
13 who seek to learn English; adults without a high school diploma;

14 displaced workers; older workers; individuals not currently con-
15 nected to the workforce; and youths between the ages of 16 and
16 21 who have either dropped out of school or at risk of dropping
17 out, or who are academically at-risk of not completing the require-
18 ments for high school graduation. The task force shall develop
19 recommendations which shall include, but not be limited to, the
20 following: (i) maximizing the skills gained, the number of people
21 served, and the quality of outcomes achieved through the work-
22 force development system; (ii) increasing services and resources
23 for those most in need and for the purpose of moving individuals
24 and families out of poverty; (iii) identifying professional develop-
25 ment and technical assistance needs and resources to strengthen
26 workforce development programs and the skills of staff who
27 deliver workforce development services; and (iv) evaluating and
28 analyzing current local and state policies for the governance and
29 coordination of workforce development agencies and programs in
30 Massachusetts and making recommendations for improving coor-
31 dination, oversight, performance standards, streamlining bureau-
32 cracy and maximizing resources.

33 The task force shall design and conduct an evaluation and
34 analysis of the present governance and coordination of workforce
35 development agencies and programs in the commonwealth. On the
36 basis of that study the task force shall recommend to the general
37 court, and other appropriate agencies, policies and changes to
38 policies likely to improve the results of workforce development
39 efforts in the commonwealth. Said recommendations shall address
40 improving coordination, oversight and maximizing resources. The
41 goals of the study shall include assisting Massachusetts citizens in
42 making better use of the state's workforce development system,
43 defining clearer lines of responsibility and accountability, and
44 analyzing the management of the system in an effort to both
45 improve service delivery and supplementing the resources avail-
46 able for education and training. The task force shall publish a
47 resource guide of all the workforce education and training
48 resources in the commonwealth.

49 It shall be the responsibility of the department of workforce
50 development, through the Commonwealth Corporation, in consul-
51 tation with the workforce accountability task force to evaluate
52 existing, and develop additional, performance standards for work-

53 force and job-training programs receiving state funding in the
54 areas of employment, skill, education, business and customer sat-
55 isfaction impact for the agencies of the commonwealth that pro-
56 vide workforce development resources, education or training
57 programs as defined by the task force. Commencing July 1, 2006,
58 all workforce development services and job skills training pro-
59 grams receiving state or federal funds must submit, not later than
60 June 30, an annual performance report to the department, the state
61 workforce investment board, the house and senate committees on
62 ways and means, the joint committee on education, the joint com-
63 mittee on higher education, the joint committee on economic
64 development and emerging technologies, and the joint committee
65 on labor and workforce development; provided further, that said
66 annual performance report shall use the employment, education,
67 business and customer satisfaction measures and standards as
68 agreed upon; provided further, said report shall include any rec-
69 ommendations for the termination of any programs no longer
70 required.

71 The task force shall consist of the following members: 2 mem-
72 bers to be appointed by the governor, 1 of whom shall be the
73 director of the department of workforce development or his
74 designee; 2 members to be appointed by the president of senate;
75 2 members to be appointed by the speaker of the house of repre-
76 sentatives; the chancellor of the board of higher education or his
77 designee; the secretary of the executive office of health and
78 human services or his designee; 1 member from the Massachusetts
79 Business Roundtable; 1 member from the Associated Industries of
80 Massachusetts; 2 members selected by the president of the Massa-
81 chusetts AFL-CIO; 2 employer members from the Massachusetts
82 workforce investment board association; 1 member from the
83 Workforce Investment Association of Massachusetts; 1 member
84 from the executive office of community colleges; 1 member from
85 the Department of Education; 1 member from the Massachusetts
86 Workforce Investment Board; 1 member from the Commonwealth
87 Corporation; 1 member from the Women's Union; 1 member from
88 the Massachusetts State Colleges Council of Presidents; 1 member
89 from the Massachusetts Association of Community Development
90 Corporations; 1 member from the Massachusetts Coalition for
91 Adult Education; and 1 member from the Massachusetts Work-

92 force Alliance. Members of the task force shall serve without
93 compensation. The task force shall be co-chaired by two members
94 of the taskforce, appointed jointly by the president of the senate
95 and the speaker of the house of representatives and shall annually,
96 on or before December 31, file a report with the clerk of the house
97 and senate, the house and senate committees on ways and means
98 and the joint committee on labor and workforce development and
99 the joint committee on economic development and emerging tech-
100 nologies.

101 The department of workforce development shall provide the
102 funds necessary to carry out the activities of this section through
103 workforce investment act funds; provided further, that the depart-
104 ment may use up to \$500,000 of the workforce competitiveness
105 trust fund for this purpose and shall provide administrative sup-
106 port to the task force, as requested.

1 SECTION 81. Notwithstanding any general or special law to
2 the contrary, the department of transitional assistance shall amend
3 the food stamp employment and training plan to maximize the use
4 of the 50-50 match provision, so-called. The department of transi-
5 tional assistance may reimburse such entities including, but not
6 limited to, community based organizations, community colleges,
7 and local governments for allowable costs for eligible people as
8 provided for in the food stamp employment and training plan; and
9 provided further, that the equivalent of at least the first \$3,000,000
10 of such match funds shall be expended by said department in
11 accordance with item 4401-1100 of the general appropriation act.

1 SECTION 82. The attorney general of the commonwealth shall
2 notify in writing the United States Trade Representative of the
3 policies set forth in section 21 of chapter 30B of the general laws
4 no later than 90 days after the effective date of this act, and shall
5 provide copies of such notice to the president of the senate,
6 speaker of the house of representatives, and the commonwealth's
7 congressional delegation.

1 SECTION 83. Notwithstanding any general or special law to
2 the contrary for the purpose of facilitating economic development
3 and job growth by identifying regulatory burdens that place

4 Massachusetts companies at a competitive disadvantage, the
5 department of environmental protection shall conduct an analysis
6 of existing state regulations to identify those standards and regula-
7 tions which exceed the requirements of comparable federal regu-
8 lations or which require permitting, reporting and compliance
9 with standards not covered by any federal regulation and to report
10 to the legislature no later than December 31, 2006.

1 SECTION 84. Not later than 10 days after the effective date of
2 this act, the comptroller shall transfer \$158,920,000 from the
3 Commonwealth Stabilization Fund, established pursuant to
4 section 2H of chapter 29 of the General Laws, to the General
5 Fund. If, however, the balance in the Transitional Escrow Fund
6 exceeds \$320,000,000 the comptroller shall transfer any balance
7 over \$320,000,000 up to \$148,920,000 from the Transitional
8 Escrow Fund to the General Fund, prior to any transfer from the
9 Commonwealth Stabilization Fund necessary in order to satisfy
10 funding necessary to implement the act.

1 SECTION 85. Notwithstanding any other general or special law
2 to the contrary, the commissioner of the department of revenue is
3 hereby authorized and directed to promulgate rules or regulations
4 for the administration and enforcement of sections 39 and 40 of
5 this act, which become effective on July 1, 2006.

1 SECTION 86. Sections 41, 42 and 43 shall be effective for tax
2 years commencing on or after January 1, 2005.

1 SECTION 87. Section 60 shall only apply to violations discov-
2 ered on or after the effective date of this act.

1 SECTION 88. Section 55 shall only apply to weeks of unem-
2 ployment occurring on or after the effective date of this act.

1 SECTION 89. Within 60 days of the effective date of
2 section 57 each utility in the commonwealth shall file with the
3 department of telecommunications and energy a tariff which shall
4 set forth the formula, based on the principles outlined in
5 section 25B of chapter 166 of the General Laws, which said utility

6 will utilize to compute its rate for the use of wireless attachments
7 by wireless providers.

1 SECTION 90. Section 1 of chapter 40Q of the General Laws is
2 hereby amended by striking the following definition inserted by
3 section 18 of chapter 46 of the acts of 2003:

4 “Inflation factor”, a ratio: (1) the numerator of which shall be
5 the total assessed value of all parcels of all residential and com-
6 mercial real estate that are assessed at full and fair cash value for
7 the current fiscal year minus the new growth adjustment factor for
8 the current fiscal year attributable to the residential and commer-
9 cial real estate as determined by the commissioner of revenue pur-
10 suant to paragraph (f) of section 21C of chapter 59; and (2) the
11 denominator of which shall be the total assessed value for the pre-
12 ceding fiscal year of all the parcels included in the numerator;
13 provided, however, the ratio shall not be less than 1.

1 SECTION 91. Section 1 of chapter 40Q of the General Laws is
2 hereby further amended by striking the first sentence of the defini-
3 tion of “Original assessed value” inserted by section 18 of
4 chapter 46 of the acts of 2003 and inserting in its place the
5 following sentence:— “Original assessed value”, the aggregate
6 assessed value of the district as of the base date.

1 SECTION 92. Every party having entered into a tax increment
2 financing or economic opportunity area agreement shall be
3 responsible for notifying the Economic Assistance Coordinating
4 Council and the municipality of any substantial change to the tip
5 increment financing or economic opportunity area agreement.
6 Said notice shall be provided to the Economic Assistance Coordi-
7 nating Council and the municipality by writing within 90 days of
8 occurrence and shall be provided annually to the Department of
9 Revenue.

10 Substantial change as used herein shall mean the offshoring of
11 production or outsourcing of functions or relocation of business
12 functions; or any operational changes in the nature of products or
13 services; or any cessation or pause in operations; or any net work-
14 force reduction or change in hiring plans; or any sale or transfer or
15 change in ownership or structure of the company.

16 Violation of any of the foregoing shall result in a revocation of
17 the tax increment financing or the economic opportunity area
18 agreement by the municipality or Economic Assistance Coordi-
19 nating Council at its discretion.

1 SECTION 93. Paragraph (6) of subsection (d) of section 29 of
2 chapter 151A of the General Laws, as appearing in the 2004 Offi-
3 cial Edition, is hereby amended, in line 125, by striking out the
4 words “the Social Security Act or”.

1 SECTION 94. Said paragraph (6) of subsection (d) of said
2 section 29 of said chapter 151A, as so appearing, is hereby
3 amended by adding the following sentence:— Payments received
4 under the Social Security Act shall not be subject to the provisions
5 of this paragraph.

1 SECTION 95. The Joint Committee on Economic Development
2 and Emerging Technologies shall develop a statewide plan to
3 encourage the adoption and formulation of research programs to
4 ensure the Commonwealth retains its current status as the premier
5 location for the creation, development and commercialization of
6 biomedical research.

7 The Committee shall file a report with the Clerks of the House
8 and Senate together with draft legislation necessary to implement
9 said plan by December 31, 2005.

1 SECTION 96. There is hereby established a special commis-
2 sion to consist of two members of the senate appointed by the
3 Senate President; two members of the house of representatives
4 appointed by the Speaker of the House; the treasurer and receiver
5 general; the secretary of the executive office of administration and
6 finance or his designee; the director of the department of housing
7 and community development or his designee; the secretary of the
8 executive office of health and human services or his designee; the
9 director of the department of economic development or his
10 designee; the chairman of the board of higher education or his
11 designee; one of whom shall be a representative of the Massachu-
12 setts Community Action Program Directors’ Association; one of
13 whom shall be a representative of the Massachusetts Association

14 of Community Development Corporation; one of whom shall be a
15 representative of the Massachusetts Individual Development
16 Account Solutions; and, thirteen persons appointed by the Gov-
17 ernor, one of whom shall be a representative of the general public
18 who has participated or is participating in an individual develop-
19 ment account administered by a community based organization
20 based in Massachusetts; one of whom shall be a representative
21 from the general public who manages an existing Individual
22 Development Account program in Massachusetts; two of whom
23 shall be representatives of the Massachusetts Bankers Associa-
24 tion; one of whom shall be a representative of the United Way of
25 Massachusetts Bay; one of whom shall be a representative of a
26 private philanthropy or private foundation; one of whom shall be a
27 representative of the Women's Educational and Industrial Union;
28 one of whom shall be a representative of an Earned Income Tax
29 Credit counseling organization; one of whom shall be a represen-
30 tative of the Institute on Assets and Social Policy at the Heller
31 School, Brandeis University; one of whom shall be a representa-
32 tive of a public or private institution of higher education; one of
33 whom shall be a representative of a private, non-profit, non-par-
34 tisan research and policy organization; one of whom shall be a
35 representative of the Massachusetts AFL-CIO; and, one of whom
36 shall be a representative of the Federal Reserve Bank of Boston.

37 The commission is created for the purpose of studying and
38 making recommendations concerning the development of finan-
39 cial assets as a way to ensure that all people in the state of Massa-
40 chusetts achieve long-term and sustainable economic security and
41 self-sufficiency and enjoy economic opportunity.

42 Said commission shall examine the success of low-income
43 workers of the Commonwealth in saving money and building
44 assets, and the reasons why some people have had less success
45 than others; assess the impact of current state policies and private
46 sector practices on saving and asset-building; identify strategies
47 that offer a real promise of significantly increasing the numbers of
48 those who save and build assets and the amounts they accumulate;
49 and make recommendations — consistent with the state's short-
50 and long-term fiscal condition — for state policies and practices,
51 including action in coordination and collaboration with businesses
52 and financial institutions, labor organizations, community- and

53 faith-based organizations, and philanthropic organizations to
54 implement those strategies.

55 The commission, in formulating its recommendations, shall
56 take account of the best policies and practices in other states and
57 jurisdictions, particularly, but not limited to those relating to Indi-
58 vidual Development Accounts for low-income and low-asset
59 households.

60 The focus of the commission shall include but not be limited to
61 asset development strategies for low-income and low-asset indi-
62 viduals and families living in Massachusetts.

63 Where relevant, the commission shall consider the impact of
64 labor market, education and training, and family-support policies
65 and practices on opportunities for financial asset-building.

66 The commission shall be empowered to hold regular, public
67 meetings and fact-finding hearings and other public forums, as it
68 deems necessary.

69 Said commission shall report to the house of representatives the
70 results of its investigation and study, and its recommendations if
71 any, together with drafts of legislation necessary to carry its rec-
72 ommendations into effect, by filing the same with the clerk of the
73 house of representatives no later than two years after the passage
74 of this act.”

1 SECTION 97. Notwithstanding any other general or special law
2 to the contrary, not less than 10 days after the effective date of this
3 act, the comptroller is hereby authorized and directed to transfer
4 \$10,000,000 from the General Fund to the Massachusetts
5 Research Center Matching Fund established pursuant to
6 section 4F of chapter 40J of the General Laws.

1 SECTION 98. Notwithstanding any general or special law to
2 the contrary, the comptroller shall transfer, not less than 10 days
3 after the effective date of this act, the amount of \$10,000,000 from
4 the Commonwealth Stabilization Fund, to the Emerging Tech-
5 nology Fund for the recapitalization of such fund, established pur-
6 suant to section 27 of chapter 23G of the General Laws.

1 SECTION 99. Notwithstanding any general or special law to
2 the contrary, there shall be continuing funding of \$3 million for

3 the Massachusetts Technology Transfer Center, hereinafter
4 referred to as the Center, at the University of Massachusetts, that
5 shall facilitate the transfer of technology from the common-
6 wealth's research institutions to the commonwealth's industries,
7 for productive use by such industries.

8 The Center shall continue to provide advice and assistance to
9 public and private research institutions on strategies for tech-
10 nology transfer including, but not limited to, advice and assistance
11 in the following areas:

- 12 1. assessing the viability and value of developing technologies;
- 13 2. defining and exploiting potential markets for such technolo-
14 gies;
- 15 3. commercialization strategies;
- 16 4. intellectual property issues, including licensing strategies;
- 17 and
- 18 5. business development.

19 The Center shall provide to public and private research institu-
20 tions gap funds to support commercialization research and devel-
21 opment on technologies that have been developed at institutions
22 within the state. These funds would be awarded competitively and
23 could be used for such purposes as, but not limited to,

- 24 1. Developing prototypes.
- 25 2. Undertaking initial feasibility testing or industrial testing.
- 26 3. Obtaining data on performance of new technologies
- 27 4. Developing user friendly interfaces for the new technology.

28 The board of trustees of the University of Massachusetts, in
29 consultation with the director of business and technology, shall
30 appoint an executive director of the center. The executive director
31 shall devote his full time to the operation of the center and may be
32 removed at the pleasure of the board of trustees. The executive
33 director shall report annually to the department of business and
34 technology on the number of technology transfer transactions or
35 projects that have been consummated with the assistance of the
36 center, the names and geographic locations of the recipient indus-
37 tries and the estimated number of new jobs created as a result of
38 such transactions or projects.

39 There shall continue to be an advisory committee relative to the
40 center consisting of the director of business and technology, or his
41 designee, the director of science and technology within the depart-

42 ment of business and technology and 7 members selected by the
43 executive director of the center, with the approval of the board of
44 trustees, 1 of whom shall be a representative from a technology
45 industry, at least 1 such member shall be a representative from
46 academia, at least 1 such member shall have experience in venture
47 financing and at least 1 such member shall have experience in
48 public administration. The appointed members of the committee
49 may be removed by the executive director with or without cause,
50 subject to the approval of the board of trustees, and shall serve
51 without compensation, except that each member shall be entitled
52 to reimbursement for actual and necessary expenses incurred in
53 the performance of official duties. The advisory committee shall
54 meet at least twice annually.